



House of Representatives

General Assembly

File No. 443

February Session, 2012

Substitute House Bill No. 5365

House of Representatives, April 16, 2012

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING COURT OPERATIONS AND VICTIM SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 2-40a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 Notwithstanding the provisions of subsection (b) of section 1-210
4 and chapter 55, (1) any performance evaluation of any judge or judge
5 trial referee made by the Judicial Department shall be made available
6 to the members of the joint standing committee on judiciary prior to
7 any public hearing on the nomination of any such judge or judge trial
8 referee, and (2) any performance evaluation of any judge by the
9 Judicial Department shall be made available to the members of the
10 Judicial Selection Commission in the performance of their duties as set
11 forth in section 51-44a. Any information disclosed to such members
12 shall be used by such members only for the purpose for which it was
13 given and shall not be disclosed to any other person.

14 Sec. 2. Subsection (c) of section 6-32d of the general statutes is
15 repealed and the following is substituted in lieu thereof (*Effective*
16 *October 1, 2012*):

17 (c) The Judicial Department may enter into an agreement with [state
18 agencies] any appropriate agency for the management, training or
19 coordination [, or any combination thereof,] of courthouse security and
20 prisoner custody and transportation functions, or any other matter
21 relating to security.

22 Sec. 3. Section 14-140 of the general statutes, as amended by section
23 21 of public act 09-177 and section 6 of public act 10-54, is repealed and
24 the following is substituted in lieu thereof (*Effective January 1, 2013*):

25 (a) Any person who has been arrested by an officer for a violation of
26 any provision of any statute relating to motor vehicles may be
27 released, upon his own recognizance, by such officer in his discretion,
28 unless such violation is of a provision relating to driving while under
29 the influence of intoxicating liquor or drugs or using a motor vehicle
30 without permission of the owner or evading responsibility for personal
31 injury or property damage or involves the death or serious injury of
32 another, in which cases such person shall not be released on his own
33 recognizance.

34 (b) If any person so arrested or summoned wilfully fails to appear
35 for any scheduled court appearance at the time and place assigned, or
36 if any person charged with an infraction involving the use of a motor
37 vehicle, or with a motor vehicle violation specified in section 51-164n,
38 as amended by this act, fails to pay the fine and any additional fee
39 imposed or send in his plea of not guilty by the answer date or wilfully
40 fails to appear for any scheduled court appearance which may be
41 required, or if any person fails to pay any surcharge imposed under
42 section 13b-70, any fee imposed under section 51-56a or any cost
43 imposed under section 54-143 or 54-143a, a report of such failure shall
44 be sent to the commissioner by the court having jurisdiction. The
45 provisions of this section shall be extended to any nonresident owner
46 or operator of a motor vehicle residing in any state, the proper

47 authorities of which agree with the commissioner to revoke, until
48 personal appearance to answer the charge against him, his motor
49 vehicle registration certificate or operator's license, upon his failure to
50 appear for any scheduled court appearance. Any infractions or
51 violations, for which a report of failure to appear has been sent to the
52 commissioner under this subsection, that have not otherwise been
53 disposed of shall be dismissed by operation of law seven years after
54 such report was sent.

55 (c) The commissioner may enter into reciprocal agreements with the
56 proper authorities of other states, which agreements may include
57 provisions for the suspension or revocation of licenses and
58 registrations of residents and nonresidents who fail to appear for trial
59 at the time and place assigned.

60 (d) Any judgment under this section shall be opened upon the
61 payment to the clerk of the Superior Court of a fee of forty dollars.
62 Such filing fee may be waived by the court.

63 (e) The provisions of subsections (b) and (d) of this section shall
64 apply to any person who fails to pay a fee imposed under subsection
65 (e) of section 17a-696, subsection (i) of section 46b-38c or subsection (c)
66 of section 53a-29, as amended by this act, or section 53a-39c, 54-56e, 54-
67 56g or 54-56i, or any cost imposed under section 21a-283.

68 [(e)] (f) In addition, the provisions of subsection (b) of this section
69 shall apply to sections 29-322, 29-349 and 29-351.

70 Sec. 4. Subsection (j) of section 14-296aa of the 2012 supplement to
71 the general statutes is repealed and the following is substituted in lieu
72 thereof (*Effective October 1, 2012*):

73 (j) The state shall remit to a municipality twenty-five per cent of the
74 amount received for a violation of this section with respect to each
75 summons issued by such municipality. [for a violation of this section.]
76 Each clerk of the Superior Court or the Chief Court Administrator, or
77 any other official of the Superior Court designated by the Chief Court

78 Administrator, shall, on or before the thirtieth day of January, April,
79 July and October in each year, certify to the Comptroller the amount
80 due for the previous quarter under this subsection to each
81 municipality served by the office of the clerk or official.

82 Sec. 5. Subsection (a) of section 47a-23a of the general statutes is
83 repealed and the following is substituted in lieu thereof (*Effective*
84 *October 1, 2012*):

85 (a) If, at the expiration of the three days prescribed in section 47a-23,
86 the lessee or occupant neglects or refuses to quit possession or
87 occupancy of the premises, any commissioner of the Superior Court
88 may issue a writ, summons and complaint which shall be in the form
89 and nature of an ordinary writ, summons and complaint in a civil
90 process, but which shall set forth facts justifying a judgment for
91 immediate possession or occupancy of the premises and make a claim
92 for possession or occupancy of the premises. If the claim is for the
93 possession or occupancy of nonresidential property, the writ,
94 summons and complaint [may] shall also make a claim for the
95 forfeiture to the plaintiff of the possessions and personal effects of the
96 defendant in accordance with section 47a-42a. If the plaintiff has
97 properly issued a notice to quit possession to an occupant by alias, if
98 permitted to do so by section 47a-23, and has no further identifying
99 information at the time of service of the writ, summons and complaint,
100 such writ, summons and complaint may also name and serve such
101 occupant or occupants as defendants. In any case in which service is to
102 be made upon an occupant or occupants identified by alias, the
103 complaint shall contain an allegation that the plaintiff does not know
104 the name of such occupant or occupants. Such complaint shall be
105 returnable to the Superior Court. Such complaint may be made
106 returnable six days, inclusive, after service upon the defendant and
107 shall be returned to court at least three days before the return day.
108 Such complaint may be served on any day of the week.
109 Notwithstanding the provisions of section 52-185 no recognizance shall
110 be required of a complainant appearing pro se.

111 Sec. 6. Subsection (c) of section 47a-26h of the general statutes is
112 repealed and the following is substituted in lieu thereof (*Effective*
113 *October 1, 2012*):

114 (c) Any occupant not named in the action who claims not to be
115 subject to the summary process action because his occupancy
116 commenced prior to service of the notice to quit or his occupancy
117 commenced or continued with the consent of the plaintiff or under a
118 right to occupy equal or superior to the rights of the plaintiff may, at
119 any time before or after judgment but prior to issuance of an execution,
120 file under oath a claim of exemption from such action. The Office of
121 the Chief Court Administrator shall prescribe a form upon which such
122 claim can be made, which form shall be in clear and simple language
123 and in readable format. Upon the filing of such a claim, the clerk shall
124 schedule a hearing, which shall be held not more than seven days after
125 the date of filing. Execution shall not issue until the court renders its
126 decision on the claim. The claimant shall have the burden of proof to
127 show that his occupancy commenced prior to service of the notice to
128 quit or that his occupancy was commenced or continued with the
129 consent of the plaintiff or under a right to occupy equal or superior to
130 the rights of the plaintiff. The burden of proof shall be upon the
131 plaintiff to show that he did not know of the presence of the occupant
132 or the name of the occupant, as the case may be. For purposes of this
133 chapter, if rent or use and occupancy payments have been made to the
134 plaintiff or his agent by the occupant, the plaintiff shall be deemed to
135 have known of the presence and the name of the occupant. The court
136 shall determine whether the claimant is bound by the action and, if the
137 court finds that the claimant is not bound, it shall declare the claimant
138 to be exempt from the action. In order to obtain a judgment for
139 possession of the premises as part of such action the plaintiff shall
140 serve the previously exempt occupant with a notice to quit possession
141 pursuant to section 47a-23. If the occupant is still in possession after
142 the date to quit possession has passed, the plaintiff shall serve the
143 occupant with an amended writ, summons and complaint adding the
144 occupant as a party defendant to such action of summary process. Any
145 occupant not exempt from the action shall have the same rights and

146 obligations as a named defendant and shall be bound by any
147 judgment. Notwithstanding the provisions of [section 47a-42] sections
148 47a-42 and 47a-42a, no summary process execution shall be issued or
149 enforced unless valid execution has been issued against all occupants
150 of the premises, except that such execution may be issued and
151 enforced, without issuing or enforcing execution against other
152 occupants, upon a person against whom a judgment has been entered
153 based upon that person's having conducted himself in a manner which
154 constitutes a serious nuisance by using the premises or any area within
155 fifteen hundred feet of any housing authority property in which such
156 person resides for the illegal sale of drugs, as defined in subparagraph
157 (D) of section 47a-15.

158 Sec. 7. Section 51-53 of the general statutes is repealed and the
159 following is substituted in lieu thereof (*Effective October 1, 2012*):

160 (a) Whenever any court, including a court of probate, or the judge of
161 any such court acting in any matter coming before him as a judge,
162 makes or renders any decision, order, decree, denial or ruling, unless it
163 is made or rendered in the presence of counsel in the matter, the clerk
164 of the court shall immediately notify counsel and any appearing party,
165 in writing by mail or electronic delivery, of the decision, order, decree,
166 denial or ruling. Electronic delivery may be by computer or facsimile
167 transmission or by employing other technology in accordance with
168 procedures and technical standards established by the Office of the
169 Chief Court Administrator or the Probate Court Administrator, as the
170 case may be. Notice delivered electronically shall have the same
171 validity and status as notice delivered by mail.

172 (b) The time limited by law for commencing appellate proceedings
173 on the decision, order, decree, denial or ruling shall date from the time
174 when such notice is issued by the clerk.

175 Sec. 8. Section 51-94a of the general statutes is repealed and the
176 following is substituted in lieu thereof (*Effective October 1, 2012*):

177 No attorney appointed by the court pursuant to rules of the

178 Superior Court to inventory the files of an inactive, suspended,
179 disbarred or resigned attorney and to take necessary action to protect
180 the interests of the inactive, suspended, disbarred or resigned
181 attorney's clients shall be liable for damage or injury, not wanton,
182 reckless or malicious, caused in the discharge of the appointed
183 attorney's duties in connection with such inventory and action. Any
184 attorney so appointed by the court shall be deemed to be a state officer
185 or employee for purposes of indemnification and defense under
186 section 5-141d.

187 Sec. 9. Section 51-164n of the 2012 supplement to the general statutes
188 is repealed and the following is substituted in lieu thereof (*Effective*
189 *October 1, 2012*):

190 (a) There shall be a Centralized Infractions Bureau of the Superior
191 Court to handle payments or pleas of not guilty with respect to the
192 commission of infractions and violations under subsection (b) of this
193 section. Except as provided in section 51-164o, any person who is
194 alleged to have committed an infraction or a violation under
195 subsection (b) of this section may plead not guilty or pay the
196 established fine and any additional fee or cost for the infraction or such
197 violation.

198 (b) Notwithstanding any provision of the general statutes, any
199 person who is alleged to have committed (1) a violation under the
200 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-
201 283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-322, 9-350, 10-193, 10-197, 10-198,
202 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g, subdivision
203 (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section
204 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-
205 115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or
206 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-
207 292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c,
208 subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection
209 (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section
210 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or

211 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a,
212 subsection (g) of section 14-80, subsection (f) of section 14-80h, section
213 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-
214 163b, a first violation as specified in subsection (f) of section 14-164i,
215 section 14-219 as specified in subsection (e) of said section, subdivision
216 (1) of section 14-223a, section 14-240, 14-249, 14-250 or 14-253a,
217 subsection (a) of section 14-261a, section 14-262, 14-264, 14-267a, 14-
218 269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283,
219 section 14-291, 14-293b, 14-296aa, as amended by this act, 14-319, 14-
220 320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3)
221 of section 14-386a, section 15-33, subsection (a) of section 15-115,
222 section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section
223 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642,
224 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736,
225 section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-
226 87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,
227 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,
228 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,
229 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,
230 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-
231 30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or
232 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154 or 21a-
233 159, subsection (a) of section 21a-279a, section 22-13, 22-14, 22-15, 22-
234 16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-
235 39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-
236 111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342,
237 subsection (b), (e) or (f) of section 22-344, section 22-359, 22-366, 22-391,
238 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-
239 250, subsection (e) of section 22a-256h, section 22a-381d, 22a-449, 22a-
240 461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65,
241 section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-
242 59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-
243 132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-
244 13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or
245 (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243,

246 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381,
247 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18,
248 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47,
249 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of
250 section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-
251 134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230,
252 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54,
253 section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or 53-
254 133, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-
255 311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation
256 under the provisions of chapter 268, or (3) a violation of any regulation
257 adopted in accordance with the provisions of section 12-484, 12-487 or
258 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any
259 town, city or borough, except violations of building codes and the
260 health code, for which the penalty exceeds ninety dollars but does not
261 exceed two hundred fifty dollars, unless such town, city or borough
262 has established a payment and hearing procedure for such violation
263 pursuant to section 7-152c, shall follow the procedures set forth in this
264 section.

265 (c) If any person who is alleged to have committed an infraction or
266 any violation specified in subsection (b) of this section elects to pay the
267 fine and any additional fees or costs established for such infraction or
268 violation, he shall send payment, by mail or otherwise, to the
269 Centralized Infractions Bureau, made payable to the "clerk of the
270 Superior Court". Such payment shall be considered a plea of nolo
271 contendere and shall be inadmissible in any proceeding, civil or
272 criminal, to establish the conduct of the person, provided the
273 provisions of this section and section 51-164m shall not affect the
274 application of any administrative sanctions by either the
275 Commissioner of Energy and Environmental Protection authorized
276 under title 26 or the Commissioner of Motor Vehicles authorized
277 under title 14, except that no points shall be assessed by the
278 Commissioner of Motor Vehicles against the operator's license of such
279 person for such infraction or violation. The Judicial Department shall
280 provide notice of the provisions of this subsection to law enforcement

281 agencies and direct each law enforcement agency issuing a complaint
282 to provide such notice to any person who is alleged to have committed
283 a motor vehicle infraction or violation at the time a complaint alleging
284 such conduct is issued to such person.

285 (d) If the person elects to plead not guilty, he shall send the plea of
286 not guilty to the Centralized Infractions Bureau. The bureau shall send
287 such plea and request for trial to the clerk of the geographical area
288 where the trial is to be conducted. Such clerk shall advise such person
289 of a date certain for a hearing.

290 (e) A summons for the commission of an infraction or of a violation
291 specified in subsection (b) of this section shall not be deemed to be an
292 arrest and the commission of an infraction or of any such violation
293 shall not be deemed to be an offense within the meaning of section 53a-
294 24.

295 (f) The provisions of this section shall apply to the alleged
296 commission of an infraction or a violation specified in subsection (b) of
297 this section by a minor but, in a case involving a minor, a parent or
298 guardian shall sign any plea of nolo contendere or of not guilty on any
299 summons form issued in connection with the matter.

300 (g) If a person elects to plead not guilty and send the plea of not
301 guilty to the Centralized Infractions Bureau in accordance with
302 subsection (d) of this section, such person may subsequently, at a
303 proceeding at Superior Court, reach an agreement with the
304 prosecutorial official as to the amount of the fine to be paid and elect to
305 pay such fine without appearing before a judicial authority. The
306 amount of the fine agreed upon shall not exceed the amount of the fine
307 established for such infraction or violation. Any person who pays a
308 fine pursuant to this subsection shall also pay any additional fees or
309 costs established for such infraction or violation. Such person shall
310 make such payment to the clerk of the Superior Court and such
311 payment shall be considered a plea of nolo contendere and shall be
312 inadmissible in any proceeding, civil or criminal, to establish the
313 conduct of such person, provided the provisions of this section and

314 section 51-164m shall not affect the application of any administrative
315 sanctions by either the Commissioner of Energy and Environmental
316 Protection authorized under title 26 or the Commissioner of Motor
317 Vehicles authorized under title 14. A plea of nolo contendere pursuant
318 to this subsection does not have to be submitted in writing. Nothing in
319 this subsection shall affect the right of a person who is alleged to have
320 committed an infraction or any violation specified in subsection (b) of
321 this section to plead not guilty and request a trial before a judicial
322 authority.

323 [(g)] (h) In any trial for the alleged commission of an infraction, the
324 practice, procedure, rules of evidence and burden of proof applicable
325 in criminal proceedings shall apply, except that in any trial for the
326 alleged commission of an infraction under subsection (d) of section
327 21a-267, the burden of proof shall be by the preponderance of the
328 evidence. Any person found guilty at the trial or upon a plea shall be
329 guilty of the commission of an infraction and shall be fined not less
330 than thirty-five dollars or more than ninety dollars or, if the infraction
331 is for a violation of any provision of title 14, not less than fifty dollars
332 or more than ninety dollars.

333 [(h)] (i) In any trial for the alleged commission of a violation
334 specified in subsection (b) of this section, the practice, procedure, rules
335 of evidence and burden of proof applicable in criminal proceedings
336 shall apply, except that in any trial for the alleged commission of a
337 violation under subsection (a) of section 21a-279a, the burden of proof
338 shall be by the preponderance of the evidence. Any person found
339 guilty at the trial or upon a plea shall be guilty of the commission of a
340 violation and shall be fined not more than the statutory amount
341 applicable to such violation.

342 Sec. 10. Subsection (a) of section 51-181c of the general statutes is
343 repealed and the following is substituted in lieu thereof (*Effective*
344 *October 1, 2012*):

345 (a) The Chief Court Administrator shall designate one court location
346 in which a community court [pilot program] is to be established where

347 there shall be a docket separate from other criminal matters for the
348 hearing of (1) criminal matters which are misdemeanor cases, (2)
349 misdemeanor cases transferred by the housing session of the Superior
350 Court, and (3) violations of municipal ordinances referred by
351 municipalities, in accordance with policies and procedures established
352 by the Chief Court Administrator.

353 Sec. 11. Subsection (j) of section 4b-55 of the general statutes is
354 repealed and the following is substituted in lieu thereof (*Effective*
355 *October 1, 2012*):

356 (j) "Community court project" means (1) any project to renovate and
357 improve a facility designated for the community court [pilot program]
358 established pursuant to section 51-181c, as amended by this act, and (2)
359 the renovation and improvement of other state facilities required for
360 the relocation of any state agency resulting from the placement of the
361 community court;

362 Sec. 12. Section 51-197f of the general statutes is repealed and the
363 following is substituted in lieu thereof (*Effective July 1, 2012*):

364 Upon final determination of any appeal by the Appellate Court,
365 there shall be no right to further review except the Supreme Court
366 shall have the power to certify cases for its review upon petition by an
367 aggrieved party or by the appellate panel which heard the matter, [and
368 upon the vote of three justices of the Supreme Court so to certify and]
369 A vote of three judges of the Supreme Court shall be required to certify
370 a case for review by the Supreme Court, except that if fewer than six
371 judges of said court are available to consider a petition, a vote of two
372 judges of said court shall be required to certify a case, under such other
373 rules as the justices of [the Supreme Court] said court shall establish.
374 The procedure on appeal from the Appellate Court to the Supreme
375 Court shall, except as otherwise provided, be in accordance with the
376 procedure provided by rule or law for the appeal of judgments
377 rendered by the Superior Court, unless modified by rule of the justices
378 of the Supreme Court.

379 Sec. 13. Section 51-198 of the general statutes is repealed and the
380 following is substituted in lieu thereof (*Effective July 1, 2012*):

381 (a) The Supreme Court shall consist of one Chief Justice and six
382 associate judges, who shall, at the time of their appointment, also be
383 appointed judges of the Superior Court.

384 (b) In addition thereto, each Chief Justice or associate judge of the
385 Supreme Court who elects to retain office but to retire from full-time
386 active service shall continue to be a member of the Supreme Court
387 during the remainder of his or her term of office and during the term
388 of any reappointment under section 51-50i, until he or she attains the
389 age of seventy years. He or she shall be entitled to participate in the
390 meetings of the judges of the Supreme Court and vote as a member
391 thereof, [but only with respect to matters for which he or she has been
392 summoned pursuant to subsection (b) of section 51-207.]

393 (c) A judge of the Supreme Court who has attained the age of
394 seventy years may continue to deliberate and participate in all matters
395 concerning the disposition of any case which the judge heard prior to
396 attaining said age, until such time as the decision in any such case is
397 officially released. The judge may also participate in the deliberation of
398 a motion for reconsideration in such case if such motion is filed within
399 ten days of the official release of such decision.

400 Sec. 14. Section 51-201 of the general statutes is repealed and the
401 following is substituted in lieu thereof (*Effective July 1, 2012*):

402 The [justices] judges of the Supreme Court shall appoint a chief
403 clerk of the Supreme Court who shall not be a chief clerk of any
404 judicial district. The chief clerk of the Supreme Court shall also be the
405 chief clerk of the Appellate Court.

406 Sec. 15. Section 51-207 of the general statutes is repealed and the
407 following is substituted in lieu thereof (*Effective July 1, 2012*):

408 (a) The Supreme Court shall sit in panels of five, six or seven judges,
409 pursuant to rules adopted by said court.

410 [(a)] (b) Each party in any case before the Supreme Court has a right
411 to be heard by a panel consisting of at least five associate judges or the
412 Chief Justice and four associate judges. Any senior judge of the
413 Supreme Court, pursuant to subsection (b) of section 51-198, as
414 amended by this act, may participate in any panel if the Chief Justice
415 or at least one associate judge is disabled or disqualified or if the
416 business of the court requires it.

417 [(b) If any judge is disabled or if any judge is disqualified and the
418 disqualification is not waived or if the business before the court
419 requires it, the Chief Justice or, in the case of his or her disability or
420 disqualification, the most senior associate judge qualified may
421 summon the sixth or seventh member, or both, of the Supreme Court
422 to constitute a panel.]

423 (c) If a panel cannot be constituted from the seven members of the
424 Supreme Court and any senior judges of the Supreme Court due to the
425 disability or disqualification of one or more members, or if the
426 business of the court requires it, the Chief Justice or, in the case of his
427 or her disability or disqualification, the most senior associate judge
428 qualified may summon one or more judges of the Superior Court,
429 [including senior judges of the Supreme Court] and one or more
430 judges and senior judges of the Appellate Court [,] to constitute a
431 panel, who shall attend and act as judges of the Supreme Court for the
432 time being.

433 [(c)] (d) The Chief Justice or any judge shall not sit to review a
434 decision he or she made below.

435 Sec. 16. Subsection (a) of section 51-222a of the general statutes is
436 repealed and the following is substituted in lieu thereof (*Effective*
437 *October 1, 2012*):

438 (a) Annually, upon the request of the Jury Administrator, the
439 Commissioner of Motor Vehicles shall supply the Jury Administrator
440 with the latest updated file of licensed motor vehicle operators for the
441 state and with the latest updated file of holders of identity cards issued

442 under section 1-1h. Upon the request of the Jury Administrator, the
443 Commissioner of Revenue Services shall supply the Jury
444 Administrator with the most recent updated list of residents of this
445 state who have a permanent place of abode in this state and who filed
446 a return on personal income under chapter 229 in the last tax year, and
447 the Labor Commissioner shall supply the Jury Administrator with the
448 most recent updated list of residents of this state who are recipients of
449 unemployment compensation under chapter 567. In addition, upon the
450 request of the Jury Administrator, the registrars of voters of each town
451 shall supply a list of all electors from their town, except that in lieu of
452 such list from the registrars of voters, the Jury Administrator may
453 obtain the list of all electors from a central repository, or if such list is
454 not available, may contract for the creation and purchase of such list.
455 The registrars of voters shall provide lists of electors to the contractor
456 at the request of the Jury Administrator. Annually, upon the request of
457 the Jury Administrator, the Commissioner of Public Health shall
458 supply the Jury Administrator with the most recent updated list of
459 deceased persons. The lists supplied to the Jury Administrator under
460 this subsection shall be in the format prescribed by the Jury
461 Administrator and shall include, at a minimum, the name, address
462 and, if available, date of birth of each person on such list or the reason
463 for the unavailability. The lists supplied by the Commissioner of Motor
464 Vehicles, the Commissioner of Revenue Services, the Commissioner of
465 Public Health and the Labor Commissioner to the Jury Administrator
466 under this subsection shall also include the [federal] Social Security
467 number of each person on such list or the reason for the unavailability.
468 The lists of electors supplied to the Jury Administrator by registrars of
469 voters or the Secretary of the State under this subsection shall not
470 include [federal] Social Security numbers of persons on such lists.

471 Sec. 17. Subsections (d) and (e) of section 51-243 of the general
472 statutes are repealed and the following is substituted in lieu thereof
473 (*Effective October 1, 2012*):

474 (d) If, at any time, any juror shall, for any reason, become unable to
475 further perform his or her duty, the court may excuse [him] such juror.

476 If any juror is so excused or dies, the court may order that an alternate
477 juror who is designated by lot to be drawn by the clerk, shall become a
478 part of the regular panel and the trial shall then proceed as though the
479 alternate juror had been a member of the regular panel from the time
480 when the trial was begun. If a juror becomes a member of the regular
481 panel after deliberations have begun, the jury shall be instructed by the
482 court that deliberations by the jury shall begin anew.

483 (e) A juror selected to serve as an alternate shall not be segregated
484 from the regular panel except when the case is given to the regular
485 panel for deliberation at which time [he] such alternate juror shall be
486 dismissed from further service on the case or may remain in service
487 under the direction of the court.

488 Sec. 18. Section 52-72 of the general statutes is repealed and the
489 following is substituted in lieu thereof (*Effective October 1, 2012*):

490 (a) [Any] Upon payment of taxable costs, any court shall allow a
491 proper amendment to civil process which [has been made returnable
492 to the wrong return day or is for any other reason defective, upon
493 payment of costs taxable upon sustaining a plea in abatement] is for
494 any reason defective.

495 (b) Such amended process shall be served in the same manner as
496 other civil process and shall have the same effect, from the date of the
497 service, as if originally proper in form.

498 (c) If the court, on motion and after hearing, finds that the parties
499 had notice of the pendency of the action and their rights have not been
500 prejudiced or affected by reason of the defect, any attachment made by
501 the original service and the rights under any lis pendens shall be
502 preserved and continued from the date of service of the original
503 process as though the original process had been in proper form. A
504 certified copy of the finding shall be attached to and served with the
505 amended process.

506 Sec. 19. Section 53a-29 of the general statutes is amended by adding

507 subsection (h) as follows (*Effective October 1, 2012*):

508 (NEW) (h) For the purposes of this section, a motor vehicle violation
509 for which a sentence to a term of imprisonment of more than one year
510 may be imposed shall be deemed an unclassified felony.

511 Sec. 20. Subsection (a) of section 53a-217 of the general statutes is
512 repealed and the following is substituted in lieu thereof (*Effective*
513 *October 1, 2012*):

514 (a) A person is guilty of criminal possession of a firearm or
515 electronic defense weapon when such person possesses a firearm or
516 electronic defense weapon and (1) has been convicted of a felony, (2)
517 has been convicted as delinquent for the commission of a serious
518 juvenile offense, as defined in section 46b-120, (3) knows that such
519 person is subject to (A) a restraining or protective order of a court of
520 this state that has been issued against such person, after notice and an
521 opportunity to be heard has been provided to such person, in a case
522 involving the use, attempted use or threatened use of physical force
523 against another person, or (B) a foreign order of protection, as defined
524 in section 46b-15a, that has been issued against such person in a case
525 involving the use, attempted use or threatened use of physical force
526 against another person, (4) knows that such person is subject to a
527 firearms seizure order issued pursuant to subsection (d) of section 29-
528 38c after notice and an opportunity to be heard has been provided to
529 such person, or (5) is prohibited from shipping, transporting,
530 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the
531 purposes of this section, "convicted" means having a judgment of
532 conviction entered by a court of competent jurisdiction, and a motor
533 vehicle violation for which a sentence to a term of imprisonment of
534 more than one year may be imposed shall be deemed an unclassified
535 felony.

536 Sec. 21. Section 54-102g of the 2012 supplement to the general
537 statutes is amended by adding subsection (k) as follows (*Effective*
538 *October 1, 2012*):

539 (NEW) (k) For the purposes of this section, a motor vehicle violation
540 for which a sentence to a term of imprisonment of more than one year
541 may be imposed shall be deemed an unclassified felony.

542 Sec. 22. (NEW) (*Effective October 1, 2012*) For the purposes of section
543 54-133 of the general statutes, a motor vehicle violation for which a
544 sentence to a term of imprisonment of more than one year may be
545 imposed shall be deemed a criminal offense.

546 Sec. 23. Section 54-66a of the general statutes is repealed and the
547 following is substituted in lieu thereof (*Effective October 1, 2012*):

548 Any bail bond posted in any criminal proceeding in this state shall
549 be automatically terminated and released whenever the defendant: (1)
550 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
551 granted admission to the pretrial alcohol education program pursuant
552 to section 54-56g; (3) is granted admission to the pretrial family
553 violence education program pursuant to section 46b-38c, as amended
554 by this act; (4) is granted admission to the community service labor
555 program pursuant to section 53a-39c; (5) is granted admission to the
556 pretrial drug education program pursuant to section 54-56i; (6) has the
557 complaint or information filed against such defendant dismissed; (7) is
558 acquitted; (8) is sentenced by the court; (9) is granted admission to the
559 pretrial school violence prevention program pursuant to section 54-56j;
560 [or] (10) is charged with a violation of section 29-33 and prosecution
561 has been suspended pursuant to subsection (h) of section 29-33; or (11)
562 is granted admission to the supervised diversionary program for
563 persons with psychiatric disabilities pursuant to section 54-56l.

564 Sec. 24. Subsection (c) of section 54-142a of the general statutes is
565 repealed and the following is substituted in lieu thereof (*Effective*
566 *October 1, 2012*):

567 (c) (1) Whenever any charge in a criminal case has been nolle in the
568 Superior Court, or in the Court of Common Pleas, if at least thirteen
569 months have elapsed since such nolle, all police and court records and
570 records of the state's or prosecuting attorney or the prosecuting grand

571 juror pertaining to such charge shall be erased, except that in cases of
572 nolles entered in the Superior Court, Court of Common Pleas, Circuit
573 Court, municipal court or by a justice of the peace prior to April 1,
574 1972, such records shall be deemed erased by operation of law and the
575 clerk or the person charged with the retention and control of such
576 records shall not disclose to anyone their existence or any information
577 pertaining to any charge so erased, provided nothing in this subsection
578 shall prohibit the arrested person or any one of his heirs from filing a
579 petition to the court or to the records center of the Judicial Department,
580 as the case may be, to have such records erased, in which case such
581 records shall be erased.

582 (2) Whenever any charge in a criminal case has been continued at
583 the request of the prosecuting attorney, and a period of thirteen
584 months has elapsed since the granting of such continuance during
585 which period there has been no prosecution or other disposition of the
586 matter, the charge shall be [construed to have been nolle as of the
587 date of termination of such thirteen-month period] nolled upon motion
588 of the arrested person and such erasure may thereafter be effected or a
589 petition filed therefor, as the case may be, as provided in this
590 subsection for nolle cases.

591 Sec. 25. Section 54-143b of the general statutes is repealed and the
592 following is substituted in lieu thereof (*Effective October 1, 2012*):

593 The total amount of any forfeited bond for a motor vehicle violation,
594 when such bond is composed in part of an additional fee established
595 under subsection (c) or (d) of section 51-56a, any cost established under
596 subsection (b) of section 54-143 or any cost established under section
597 54-143a, shall be deposited in the General Fund as one undifferentiated
598 lump sum amount or deposited in the Special Transportation Fund as
599 one undifferentiated lump sum amount as may be required by statute.

600 Sec. 26. Section 54-203 of the general statutes is repealed and the
601 following is substituted in lieu thereof (*Effective October 1, 2012*):

602 (a) There is established an Office of Victim Services within the

603 Judicial Department.

604 (b) The Office of Victim Services shall have the following powers
605 and duties:

606 (1) To direct each hospital, whether public or private, to display
607 prominently in its emergency room posters giving notice of the
608 availability of compensation and assistance to victims of crime or their
609 dependents pursuant to sections 54-201 to 54-233, inclusive, as
610 amended by this act, and to direct every law enforcement agency of
611 the state to inform victims of crime or their dependents of their rights
612 pursuant to sections 54-201 to 54-233, inclusive, as amended by this
613 act;

614 (2) To request from the office of the state's attorney, state police,
615 local police departments or any law enforcement agency such
616 investigation and data as will enable the Office of Victim Services to
617 determine if in fact the applicant was a victim of a crime or attempted
618 crime and the extent, if any, to which the victim or claimant was
619 responsible for his own injury;

620 (3) To request from the Department of Correction, other units of the
621 Judicial Department and the Board of Pardons and Paroles such
622 information as will enable the Office of Victim Services to determine if
623 in fact a person who has requested notification pursuant to section 54-
624 228 was a victim of a crime;

625 (4) To direct medical examination of victims as a requirement for
626 payment under sections 54-201 to 54-233, inclusive, as amended by this
627 act;

628 (5) To take or cause to be taken affidavits or depositions within or
629 without the state;

630 (6) To apply for, receive, allocate, disburse and account for grants of
631 funds made available by the United States, by the state, foundations,
632 corporations and other businesses, agencies or individuals to
633 implement a program for victim services which shall assist witnesses

634 and victims of crimes as the Office of Victim Services deems
635 appropriate within the resources available and to coordinate services
636 to victims by state and community-based agencies, with priority given
637 to victims of violent crimes, by (A) assigning, in consultation with the
638 Division of Criminal Justice, such victim advocates as are necessary to
639 provide assistance; (B) administering victim service programs; and (C)
640 awarding grants or purchase of service contracts [in accordance with
641 the plan developed under subdivision (15) of this subsection] to
642 private nonprofit organizations or local units of government for the
643 direct delivery of services, except that the provision of training and
644 technical assistance of victim service providers and the development
645 and implementation of public education campaigns may be provided
646 by private nonprofit or for-profit organizations or local units of
647 government. Such grants and contracts shall be the predominant
648 method by which the Office of Victim Services shall develop,
649 implement and operate direct service programs and provide training
650 and technical assistance to victim service providers;

651 (7) To provide each person who applies for compensation pursuant
652 to section 54-204, within ten days of the date of receipt of such
653 application, with a written list of rights of victims of crime involving
654 personal injury and the programs available in this state to assist such
655 victims. The Office of Victim Services, the state or any agent, employee
656 or officer thereof shall not be liable for the failure to supply such list or
657 any alleged inadequacies of such list. Such list shall include, but not be
658 limited to:

659 (A) Subject to the provisions of sections 18-81e and 51-286e, the
660 victim shall have the right to be informed concerning the status of his
661 or her case and to be informed of the release from custody of the
662 defendant;

663 (B) Subject to the provisions of section 54-91c, the victim shall have
664 the right to present a statement of his or her losses, injuries and wishes
665 to the prosecutor and the court prior to the acceptance by the court of a
666 plea of guilty or nolo contendere made pursuant to a plea agreement

667 with the state wherein the defendant pleads to a lesser offense than the
668 offense with which the defendant was originally charged;

669 (C) Subject to the provisions of section 54-91c, prior to the
670 imposition of sentence upon the defendant, the victim shall have the
671 right to submit a statement to the prosecutor as to the extent of any
672 injuries, financial losses and loss of earnings directly resulting from the
673 crime;

674 (D) Subject to the provisions of section 54-126a, the victim shall have
675 the right to appear before a panel of the Board of Pardons and Paroles
676 and make a statement as to whether the defendant should be released
677 on parole and any terms or conditions to be imposed upon any such
678 release;

679 (E) Subject to the provisions of section 54-36a, the victim shall have
680 the right to have any property the victim owns which was seized by
681 police in connection with an arrest to be returned;

682 (F) Subject to the provisions of sections 54-56e and 54-142c, the
683 victim shall have the right to be notified of the application by the
684 defendant for the pretrial program for accelerated rehabilitation and to
685 obtain from the court information as to whether the criminal
686 prosecution in the case has been dismissed;

687 (G) Subject to the provisions of section 54-85b, the victim cannot be
688 fired, harassed or otherwise retaliated against by an employer for
689 appearing under a subpoena as a witness in any criminal prosecution;

690 (H) Subject to the provisions of section 54-86g, the parent or legal
691 guardian of a child twelve years of age or younger who is a victim of
692 child abuse or sexual assault may request special procedural
693 considerations to be taken during the testimony of the child;

694 (I) Subject to the provisions of section 46b-15, the victim of assault
695 by a spouse or former spouse, family or household member has the
696 right to request the arrest of the offender, request a protective order
697 and apply for a restraining order;

698 (J) Subject to the provisions of sections 52-146k, 54-86e and 54-86f,
699 the victim of sexual assault or domestic violence can expect certain
700 records to remain confidential;

701 (8) Within available appropriations, to establish a victim's assistance
702 center which shall provide a victims' rights information clearinghouse
703 which shall be a central repository of information regarding rights of
704 victims of crime and services available to such victims and shall collect
705 and disseminate such information to assist victims;

706 (9) To provide [, not later than January 1, 1994,] a victims'
707 notification clearinghouse which shall be a central repository for
708 requests for notification filed pursuant to sections 54-228 and 54-229,
709 and to notify [, on and after January 1, 1994,] persons who have filed
710 such a request whenever an inmate has applied for release from a
711 correctional institution or reduction of sentence or review of sentence
712 pursuant to section 54-227 or whenever an inmate is scheduled to be
713 released from a correctional institution and [, on and after January 1,
714 1994,] to provide victims of family violence crimes, upon request,
715 information concerning any modification or termination of criminal
716 orders of protection;

717 (10) To provide a telephone [hotline] helpline that shall provide
718 information on referrals for various services for victims of crime and
719 their families;

720 (11) To provide staff services to a state advisory council. The council
721 shall consist of not more than fifteen members to be appointed by the
722 Chief Justice and shall include the Chief Victim Compensation
723 Commissioner and members who represent victim populations,
724 including but not limited to, homicide survivors, family violence
725 victims, sexual assault victims, victims of drunk drivers, and assault
726 and robbery victims, and members who represent the judicial branch
727 and executive branch agencies involved with victims of crime. The
728 members shall serve for terms of four years. Any vacancy in the
729 membership shall be filled by the appointing authority for the balance
730 of the unexpired term. The members shall receive no compensation for

731 their services. The council shall meet at least six times a year. The
732 council shall recommend to the Office of Victim Services program,
733 legislative or other matters which would improve services to victims of
734 crime and develop and coordinate needs assessments for both court-
735 based and community-based victim services. The Chief Justice shall
736 appoint two members to serve as cochairmen. Not later than December
737 fifteenth of each year, the council shall report the results of its findings
738 and activities to the Chief Court Administrator;

739 (12) To utilize such voluntary and uncompensated services of
740 private individuals, agencies and organizations as may from time to
741 time be offered and needed;

742 (13) To recommend policies and make recommendations to agencies
743 and officers of the state and local subdivisions of government relative
744 to victims of crime;

745 (14) To provide support and assistance to state-wide victim services
746 coalitions and groups;

747 [(15) To develop, in coordination with the Department of Social
748 Services, the Department of Public Health, the Office of Policy and
749 Management, the Department of Children and Families and the
750 Division of Criminal Justice, a comprehensive plan to more effectively
751 administer crime victims' compensation and coordinate the delivery of
752 services to crime victims, including the funding of such services. Such
753 plan shall be submitted to the Governor and the General Assembly not
754 later than January 1, 1994;]

755 [(16)] (15) Within available appropriations to establish a crime
756 victims' information clearinghouse which shall be a central repository
757 for information collected pursuant to subdivision (9) of this subsection
758 and information made available through the criminal justice
759 information system, to provide a toll-free telephone number for access
760 to such information and to develop a plan, in consultation with all
761 agencies required to provide notification to victims, outlining any
762 needed statutory changes, resources and working agreements

763 necessary to make the Office of Victim Services the lead agency for
764 notification of victims, which plan shall be submitted to the General
765 Assembly not later than February 15, 2000;

766 [(17)] (16) To provide a training program for judges, prosecutors,
767 police, probation and parole personnel, bail commissioners, officers
768 from the Department of Correction and judicial marshals to inform
769 them of victims' rights and available services;

770 [(18)] (17) To establish a sexual assault forensic examiners program
771 that will train and make available sexual assault forensic examiners to
772 adolescent and adult victims of sexual assault who are patients at
773 participating acute care hospitals. In order to establish and implement
774 such program, the Office of Victim Services may apply for, receive,
775 allocate, disburse and account for grants of funds made available by
776 the United States, the state, foundations, corporations and other
777 businesses, agencies or individuals; and

778 [(19)] (18) To submit to the joint standing committee of the General
779 Assembly having cognizance of matters relating to victim services, in
780 accordance with the provisions of section 11-4a, on or before January
781 15, 2000, and biennially thereafter a report of its activities under
782 sections 54-201 to 54-233, inclusive, as amended by this act, including,
783 but not limited to, implementation of training activities and mandates.
784 Such report shall include the types of training provided, entities
785 providing training and recipients of training.

786 Sec. 27. Section 54-209 of the general statutes is repealed and the
787 following is substituted in lieu thereof (*Effective October 1, 2012*):

788 (a) The Office of Victim Services or, on review, a victim
789 compensation commissioner may order the payment of compensation
790 in accordance with the provisions of sections 54-201 to 54-233,
791 inclusive, as amended by this act, for personal injury or death which
792 resulted from: (1) An attempt to prevent the commission of crime or to
793 apprehend a suspected criminal or in aiding or attempting to aid a
794 police officer so to do, (2) the commission or attempt to commit by

795 another of any crime as provided in section 53a-24, (3) [the operation
796 of a motor vehicle by another person who was subsequently convicted
797 with respect to such operation for a violation of subsection (a) of
798 section 14-224 or of section 14-227a, 53a-56b or 53a-60d, or (4)] any
799 crime involving international terrorism as defined in Section 2331 of
800 Title 18 of the United States Code.

801 [(b) In the absence of conviction, as provided in subdivision (3) of
802 subsection (a) of this section, the Office of Victim Services or, on
803 review, a victim compensation commissioner may order payment of
804 compensation under this section if, upon consideration of all
805 circumstances determined to be relevant, the Office of Victim Services
806 or a victim compensation commissioner, as the case may be,
807 reasonably concludes that another person has operated a motor vehicle
808 in violation of subsection (a) of section 14-224 or of section 14-227a,
809 53a-56b or 53a-60d.]

810 (b) The Office of Victim Services or, on review, a victim
811 compensation commissioner may also order the payment of
812 compensation in accordance with the provisions of sections 54-201 to
813 54-233, inclusive, as amended by this act, for personal injury or death
814 that resulted from the operation of a motor vehicle by another person
815 who was subsequently convicted with respect to such operation for a
816 violation of subsection (a) of section 14-224 or section 14-227a, 53a-56b
817 or 53a-60d. In the absence of a conviction, the Office of Victim Services
818 or, on review, a victim compensation commissioner may order
819 payment of compensation under this section if, upon consideration of
820 all circumstances determined to be relevant, the office or
821 commissioner, as the case may be, reasonably concludes that another
822 person has operated a motor vehicle in violation of subsection (a) of
823 section 14-224 or section 14-227a, 53a-56b or 53a-60d.

824 (c) Except as provided [in subdivision (3) of subsection (a) and]
825 subsection (b) of this section, no act involving the operation of a motor
826 vehicle which results in injury shall constitute a crime for the purposes
827 of sections 54-201 to 54-233, inclusive, as amended by this act, unless

828 the injuries were intentionally inflicted through the use of the vehicle.

829 (d) In instances where a violation of section 53-21, 53a-70, 53a-70a,
830 53a-70b, 53a-70c, 53a-71, 53a-72a, 53a-72b or 53a-73a has been alleged,
831 the Office of Victim Services or, on review, a victim compensation
832 commissioner may order compensation be paid if (1) the personal
833 injury has been disclosed to: (A) A physician or surgeon licensed
834 under chapter 370; (B) a resident physician or intern in any hospital in
835 this state, whether or not licensed; (C) a physician assistant licensed
836 under chapter 370; (D) an advanced practice registered nurse,
837 registered nurse or practical nurse licensed under chapter 378; (E) a
838 psychologist licensed under chapter 383; (F) a police officer; (G) a
839 mental health professional; (H) an emergency medical services
840 provider licensed or certified under chapter 368d; (I) an alcohol and
841 drug counselor licensed or certified under chapter 376b; (J) a marital
842 and family therapist licensed under chapter 383a; (K) a sexual assault
843 counselor or battered women's counselor as defined in section 52-146k;
844 (L) a professional counselor licensed under chapter 383c; (M) a clinical
845 social worker licensed under chapter 383b; or (N) an employee of the
846 Department of Children and Families; and (2) the office or
847 commissioner, as the case may be, reasonably concludes that a
848 violation of any of said sections has occurred.

849 [(d)] (e) Evidence of an order for the payment of compensation by
850 the Office of Victim Services or a victim compensation commissioner in
851 accordance with the provisions of sections 54-201 to 54-233, inclusive,
852 as amended by this act, shall not be admissible in any civil proceeding
853 to prove the liability of any person for such personal injury or death or
854 in any criminal proceeding to prove the guilt or innocence of any
855 person for any crime.

856 Sec. 28. Subsection (a) of section 54-210 of the general statutes is
857 repealed and the following is substituted in lieu thereof (*Effective*
858 *October 1, 2012*):

859 (a) The Office of Victim Services or a victim compensation
860 commissioner may order the payment of compensation under sections

861 54-201 to 54-233, inclusive, as amended by this act, for: (1) Expenses
862 actually and reasonably incurred as a result of the personal injury or
863 death of the victim, provided coverage for the cost of medical care and
864 treatment of a crime victim who does not have medical insurance or
865 who has exhausted coverage under applicable health insurance
866 policies or Medicaid shall be ordered; (2) loss of earning power as a
867 result of total or partial incapacity of such victim; (3) pecuniary loss to
868 the spouse or dependents of the deceased victim, provided the family
869 qualifies for compensation as a result of murder or manslaughter of
870 the victim; (4) pecuniary loss to the relatives or dependents of a
871 deceased victim for attendance at court proceedings with respect to the
872 criminal case of the person or persons charged with committing the
873 crime that resulted in the death of the victim; and (5) any other loss,
874 except as set forth in section 54-211, as amended by this act, resulting
875 from the personal injury or death of the victim which the Office of
876 Victim Services or a victim compensation commissioner, as the case
877 may be, determines to be reasonable. [At the discretion of said office or
878 victim compensation commissioner, there shall be one hundred dollars
879 deductible from the total amount determined by said office or victim
880 compensation commissioner.]

881 Sec. 29. Subsections (d) and (e) of section 54-211 of the general
882 statutes are repealed and the following is substituted in lieu thereof
883 (*Effective October 1, 2012*):

884 (d) (1) No compensation [shall be awarded for the first hundred
885 dollars of injury sustained and no such compensation] shall be in an
886 amount in excess of fifteen thousand dollars except that [such]
887 compensation to or for the benefit of the dependents of a homicide
888 victim shall be in an amount not to exceed twenty-five thousand
889 dollars. The claims of the dependents of a deceased victim, as provided
890 in section 54-208, shall be considered derivative of the claim of such
891 victim and the total compensation paid for all claims arising from the
892 death of such victim shall not exceed a maximum of twenty-five
893 thousand dollars.

894 (2) Notwithstanding the provisions of subdivision (1) of this
895 subsection, the Office of Victim Services or a victim compensation
896 commissioner may, for good cause shown and upon a finding of
897 compelling equitable circumstances, award compensation in an
898 amount in excess of the maximum amounts set forth in said
899 subdivision.

900 (e) Orders for payment of compensation pursuant to sections 54-201
901 to 54-233, inclusive, as amended by this act, may be made only as to
902 injuries or death resulting from incidents or offenses arising on and
903 after January 1, 1979, except that orders for payment of compensation
904 pursuant to [subdivision (3) of subsection (a)] subsection (b) of section
905 54-209, as amended by this act, may be made only as to injuries or
906 death resulting from incidents or offenses arising on and after July 1,
907 1985.

908 Sec. 30. Subsection (b) of section 54-212 of the general statutes is
909 repealed and the following is substituted in lieu thereof (*Effective*
910 *October 1, 2012*):

911 (b) If the applicant brings an action against the person or persons
912 responsible for such injury or death to recover damages arising out of
913 the crime for which an award has been granted, or, if the applicant
914 recovers money from any other source or sources including, but not
915 limited to, payments from state or municipal agencies, insurance
916 benefits or workers' compensation awards as a result of the incident or
917 offense giving rise to the application, the Office of Victim Services shall
918 have a lien on the applicant's recovery for the amount to which the
919 office is entitled to reimbursement. [The] If an action is brought by the
920 applicant against the person or persons responsible for the injury or
921 death, the applicant shall notify the Office of Victim Services of the
922 filing of such complaint within thirty days of the filing of the
923 complaint in court. Whenever an applicant recovers damages, whether
924 by judgment, settlement or compromise settlement before or after
925 judgment, from the person or persons responsible for such injury, and
926 whenever an applicant recovers money from any other source or

927 sources including, but not limited to, payments from state or
928 municipal agencies, insurance benefits or workers' compensation
929 awards as a result of the incident or offense giving rise to the
930 application, the Office of Victim Services is entitled to reimbursement
931 from the applicant for two-thirds of the amount paid pursuant to any
932 order for the payment of compensation for personal injury or death or
933 for the provision of restitution services.

934 Sec. 31. Subsection (b) of section 19a-112f of the general statutes is
935 repealed and the following is substituted in lieu thereof (*Effective*
936 *October 1, 2012*):

937 (b) The committee shall advise the Office of Victim Services on the
938 establishment and implementation of the sexual assault forensic
939 examiners program pursuant to subdivision [(18)] (17) of subsection
940 (b) of section 54-203, as amended by this act, and section 19a-112g. The
941 committee shall make specific recommendations concerning: (1) The
942 recruitment of registered nurses, advanced practice registered nurses
943 and physicians to participate in such program; (2) the development of
944 a specialized training course concerning such program for registered
945 nurses, advanced practice registered nurses and physicians who
946 participate in the program; (3) the development of agreements between
947 the Judicial Branch, the Department of Public Health and acute care
948 hospitals relating to the scope of services offered under the program
949 and hospital standards governing the provision of such services; (4)
950 individual case tracking mechanisms; (5) utilization of medically
951 accepted best practices; and (6) the development of quality assurance
952 measures.

953 Sec. 32. (NEW) (*Effective July 1, 2012*) Two persons who are parties to
954 a valid civil union performed in a foreign jurisdiction may bring an
955 action for dissolution, annulment or legal separation of the civil union
956 in this state, and the Superior Court may enter an order of dissolution,
957 annulment or legal separation of the civil union.

958 Sec. 33. Section 46b-1 of the general statutes is repealed and the
959 following is substituted in lieu thereof (*Effective July 1, 2012*):

960 Matters within the jurisdiction of the Superior Court deemed to be
961 family relations matters shall be matters affecting or involving: (1)
962 Dissolution of marriage, contested and uncontested, except dissolution
963 upon conviction of crime as provided in section 46b-47; (2) legal
964 separation; (3) annulment of marriage; (4) alimony, support, custody
965 and change of name incident to dissolution of marriage, legal
966 separation and annulment; (5) actions brought under section 46b-15;
967 (6) complaints for change of name; (7) civil support obligations; (8)
968 habeas corpus and other proceedings to determine the custody and
969 visitation of children; (9) habeas corpus brought by or on behalf of any
970 mentally ill person except a person charged with a criminal offense;
971 (10) appointment of a commission to inquire whether a person is
972 wrongfully confined as provided by section 17a-523; (11) juvenile
973 matters as provided in section 46b-121; (12) all rights and remedies
974 provided for in chapter 815j; (13) the establishing of paternity; (14)
975 appeals from probate concerning: (A) Adoption or termination of
976 parental rights; (B) appointment and removal of guardians; (C)
977 custody of a minor child; (D) appointment and removal of
978 conservators; (E) orders for custody of any child; and (F) orders of
979 commitment of persons to public and private institutions and to other
980 appropriate facilities as provided by statute; (15) actions related to
981 prenuptial and separation agreements and to matrimonial and civil
982 union decrees of a foreign jurisdiction; (16) custody proceeding
983 brought under the provisions of chapter 815p; and (17) all such other
984 matters within the jurisdiction of the Superior Court concerning
985 children or family relations as may be determined by the judges of said
986 court.

987 Sec. 34. Section 54-108e of the 2012 supplement to the general
988 statutes is repealed and the following is substituted in lieu thereof
989 (*Effective October 1, 2012*):

990 (a) Probation officers shall provide intensive pretrial supervision
991 services, in accordance with guidelines developed by the Court
992 Support Services Division, whenever ordered to do so by the court.

993 (b) Probation officers shall complete alternative sentencing plans, in
994 accordance with guidelines developed by the Court Support Services
995 Division, for persons who have entered into a stated plea agreement
996 that includes a term of imprisonment of two years or less, whenever
997 ordered to do so by the court.

998 (c) Probation officers may evaluate persons sentenced to a term of
999 imprisonment of two years or less who have been confined under such
1000 sentence for at least ninety days and have complied with institutional
1001 rules and necessary treatment programs of the Department of
1002 Correction, and may develop a community release plan for such
1003 persons in accordance with guidelines developed by the Court Support
1004 Services Division. If a probation officer develops a community release
1005 plan, the probation officer shall apply for a sentence modification
1006 hearing under section 53a-39.

1007 (d) Information contained in an alternative sentencing plan or a
1008 community release plan shall be available only to: (1) Employees of the
1009 Judicial Branch who in the performance of their duties require access
1010 to the information contained in such plan; (2) employees and
1011 authorized agents of state or federal agencies involved in the design
1012 and delivery of treatment services to the person who is the subject of
1013 such plan; (3) employees of state or community-based agencies
1014 providing services directly to the person who is the subject of such
1015 plan; and (4) an attorney representing the person who is the subject of
1016 such plan in any proceeding in which such plan is relevant.

1017 Sec. 35. Subsection (d) of section 46b-124 of the 2012 supplement to
1018 the general statutes is repealed and the following is substituted in lieu
1019 thereof (*Effective October 1, 2012*):

1020 (d) Records of cases of juvenile matters involving delinquency
1021 proceedings shall be available to (1) Judicial Branch employees who, in
1022 the performance of their duties, require access to such records, and (2)
1023 employees and authorized agents of state or federal agencies involved
1024 in (A) the delinquency proceedings, (B) the provision of services
1025 directly to the child, [or] (C) the design and delivery of treatment

1026 programs pursuant to section 46b-121j, or (D) the delivery of court
1027 diversionary programs. Such employees and authorized agents
1028 include, but are not limited to, law enforcement officials, community-
1029 based youth service bureau officials, state and federal prosecutorial
1030 officials, school officials in accordance with section 10-233h, court
1031 officials including officials of both the regular criminal docket and the
1032 docket for juvenile matters and officials of the Division of Criminal
1033 Justice, the Division of Public Defender Services, the Department of
1034 Children and Families, the Court Support Services Division and
1035 agencies under contract with the Judicial Branch. Such records shall
1036 also be available to (i) the attorney representing the child, including
1037 the Division of Public Defender Services, in any proceeding in which
1038 such records are relevant, (ii) the parents or guardian of the child, until
1039 such time as the subject of the record reaches the age of majority, (iii)
1040 the subject of the record, upon submission of satisfactory proof of the
1041 subject's identity, pursuant to guidelines prescribed by the Office of
1042 the Chief Court Administrator, provided the subject has reached the
1043 age of majority, (iv) law enforcement officials and prosecutorial
1044 officials conducting legitimate criminal investigations, (v) a state or
1045 federal agency providing services related to the collection of moneys
1046 due or funding to support the service needs of eligible juveniles,
1047 provided such disclosure shall be limited to that information necessary
1048 for the collection of and application for such moneys, and (vi)
1049 members and employees of the Board of Pardons and Paroles and
1050 employees of the Department of Correction who, in the performance of
1051 their duties, require access to such records, provided the subject of the
1052 record has been convicted of a crime in the regular criminal docket of
1053 the Superior Court and such records are relevant to the performance of
1054 a risk and needs assessment of such person while such person is
1055 incarcerated, the determination of such person's suitability for release
1056 from incarceration or for a pardon, or the determination of the
1057 supervision and treatment needs of such person while on parole or
1058 other supervised release. Records disclosed pursuant to this subsection
1059 shall not be further disclosed, except that information contained in
1060 such records may be disclosed in connection with bail or sentencing

1061 reports in open court during criminal proceedings involving the
1062 subject of such information.

1063 Sec. 36. Subsection (a) of section 54-63b of the general statutes is
1064 repealed and the following is substituted in lieu thereof (*Effective*
1065 *October 1, 2012*):

1066 (a) The duties of the Court Support Services Division shall include:
1067 (1) To promptly interview, prior to arraignment, any person referred
1068 by the police pursuant to section 54-63c, as amended by this act, or by
1069 a judge. Such interview shall include, but not be limited to,
1070 information concerning the accused person, his or her family,
1071 community ties, prior criminal record and physical and mental
1072 condition. Any interview of a person held at a police station may be
1073 conducted by videoconference; (2) to seek independent verification of
1074 information obtained during the interview, if practicable; (3) to
1075 determine, as provided in section 54-63d, as amended by this act, or to
1076 make recommendations on request of any judge, concerning the terms
1077 and conditions of the release of arrested persons from custody pending
1078 final disposition of their cases; (4) to prepare a written report on all
1079 persons interviewed and, upon request and pursuant to the
1080 procedures established under subsection (f) of section 54-63d, as
1081 amended by this act, provide copies of the report to the court, defense
1082 counsel and state's attorney. Such report shall contain the information
1083 obtained during the interview and verification process, the person's
1084 prior criminal record, where possible, and the determination or
1085 recommendation of the commissioner pursuant to section 54-63d, as
1086 amended by this act, concerning the terms and conditions of the
1087 release of the persons so interviewed; (5) to give prior notice of each
1088 required court appearance to each person released following an
1089 interview by a bail commissioner or an intake, assessment and referral
1090 specialist; (6) to supervise pursuant to the direction of the court those
1091 persons released on nonfinancial conditions; (7) to inform the court
1092 and the state's attorney of any failure to comply with terms and
1093 conditions of release, including the arrest of persons released under its
1094 supervision; (8) to monitor, evaluate and provide information

1095 concerning terms and conditions of release and the release criteria
1096 established under subdivision (2) of subsection (c) of this section, to
1097 prepare periodic reports on its activities, and to provide such other
1098 information as is needed to assist in the improvement of the pretrial
1099 release process; (9) to perform such other functions as the Chief Court
1100 Administrator may, from time to time, assign.

1101 Sec. 37. Section 54-63c of the general statutes is repealed and the
1102 following is substituted in lieu thereof (*Effective October 1, 2012*):

1103 (a) Except in cases of arrest pursuant to a bench warrant of arrest in
1104 which the court or a judge thereof has indicated that bail should be
1105 denied or ordered that the officer or indifferent person making such
1106 arrest shall, without undue delay, bring such person before the clerk or
1107 assistant clerk of the superior court for the geographical area under
1108 section 54-2a, when any person is arrested for a bailable offense, the
1109 chief of police, or the chief's authorized designee, of the police
1110 department having custody of the arrested person shall promptly
1111 advise such person of the person's rights under section 54-1b, and of
1112 the person's right to be interviewed concerning the terms and
1113 conditions of release. Unless the arrested person waives or refuses
1114 such interview, the police officer shall promptly interview the arrested
1115 person to obtain information relevant to the terms and conditions of
1116 the person's release from custody, and shall seek independent
1117 verification of such information where necessary. At the request of the
1118 arrested person, the person's counsel may be present during the
1119 interview. No statement made by the arrested person in response to
1120 any question during the interview related to the terms and conditions
1121 of release shall be admissible as evidence against the arrested person in
1122 any proceeding arising from the incident for which the conditions of
1123 release were set. After such a waiver, refusal or interview, the police
1124 officer shall promptly order release of the arrested person upon the
1125 execution of a written promise to appear or the posting of such bond as
1126 may be set by the police officer, except that no condition of release set
1127 by the court or a judge thereof may be modified by such officer and no
1128 person shall be released upon the execution of a written promise to

1129 appear or the posting of a bond without surety if the person is charged
1130 with the commission of a family violence crime, as defined in section
1131 46b-38a, and in the commission of such crime the person used or
1132 threatened the use of a firearm.

1133 (b) If the person is charged with the commission of a family violence
1134 crime, as defined in section 46b-38a, and the police officer does not
1135 intend to impose nonfinancial conditions of release pursuant to this
1136 subsection, the police officer shall, pursuant to the procedure set forth
1137 in subsection (a) of this section, promptly order the release of such
1138 person upon the execution of a written promise to appear or the
1139 posting of such bond as may be set by the police officer. If such person
1140 is not so released, the police officer shall make reasonable efforts to
1141 immediately contact a bail commissioner or an intake, assessment and
1142 referral specialist to set the conditions of such person's release
1143 pursuant to section 54-63d, as amended by this act. If, after making
1144 such reasonable efforts, the police officer is unable to contact a bail
1145 commissioner or an intake, assessment and referral specialist or
1146 contacts a bail commissioner or an intake, assessment and referral
1147 specialist but such bail commissioner or intake, assessment and
1148 referral specialist is unavailable to promptly perform such bail
1149 commissioner's or intake, assessment and referral specialist's duties
1150 pursuant to section 54-63d, as amended by this act, the police officer
1151 shall, pursuant to the procedure set forth in subsection (a) of this
1152 section, order the release of such person upon the execution of a
1153 written promise to appear or the posting of such bond as may be set by
1154 the police officer and may impose nonfinancial conditions of release
1155 which may require that the arrested person do one or more of the
1156 following: (1) Avoid all contact with the alleged victim of the crime, (2)
1157 comply with specified restrictions on the person's travel, association or
1158 place of abode that are directly related to the protection of the alleged
1159 victim of the crime, or (3) not use or possess a dangerous weapon,
1160 intoxicant or controlled substance. Any such nonfinancial conditions of
1161 release shall be indicated on a form prescribed by the Judicial Branch
1162 and sworn to by the police officer. Such form shall articulate (A) the
1163 efforts that were made to contact a bail commissioner or an intake,

1164 assessment and referral specialist, (B) the specific factual basis relied
1165 upon by the police officer to impose the nonfinancial conditions of
1166 release, and (C) if the arrested person was non-English-speaking, that
1167 the services of a translation service or interpreter were used. A copy of
1168 that portion of the form that indicates the nonfinancial conditions of
1169 release shall immediately be provided to the arrested person. A copy
1170 of the entire form shall be provided to counsel for the arrested person
1171 at arraignment. Any nonfinancial conditions of release imposed
1172 pursuant to this subsection shall remain in effect until the arrested
1173 person is presented before the Superior Court pursuant to subsection
1174 (a) of section 54-1g. On such date, the court shall conduct a hearing
1175 pursuant to section 46b-38c at which the defendant is entitled to be
1176 heard with respect to the issuance of a protective order.

1177 (c) When cash bail in excess of ten thousand dollars is received for a
1178 detained person accused of a felony, where the underlying facts and
1179 circumstances of the felony involve the use, attempted use or
1180 threatened use of physical force against another person, the police
1181 officer shall prepare a report that contains (1) the name, address and
1182 taxpayer identification number of the accused person, (2) the name,
1183 address and taxpayer identification number of each person offering the
1184 cash bail, other than a person licensed as a professional bondsman
1185 under chapter 533 or a surety bail bond agent under chapter 700f, (3)
1186 the amount of cash received, and (4) the date the cash was received.
1187 Not later than fifteen days after receipt of such cash bail, the police
1188 officer shall file the report with the Department of Revenue Services
1189 and mail a copy of the report to the state's attorney for the judicial
1190 district in which the alleged offense was committed and to each person
1191 offering the cash bail.

1192 (d) No police officer shall set the terms and conditions of a person's
1193 release, set a bond for a person or release a person from custody under
1194 this section unless the police officer has first checked the National
1195 Crime Information Center (NCIC) computerized index of criminal
1196 justice information to determine if such person is listed in such index.

1197 (e) If the arrested person has not posted bail, the police officer shall
1198 immediately notify a bail commissioner or an intake, assessment and
1199 referral specialist.

1200 (f) The chief, acting chief, superintendent of police, the
1201 Commissioner of Emergency Services and Public Protection, any
1202 captain or lieutenant of any local police department or the Division of
1203 State Police within the Department of Emergency Services and Public
1204 Protection or any person lawfully exercising the powers of any such
1205 officer may take a written promise to appear or a bond with or without
1206 surety from an arrested person as provided in subsection (a) of this
1207 section, or as fixed by the court or any judge thereof, may administer
1208 such oaths as are necessary in the taking of promises or bonds and
1209 shall file any report required under subsection (c) of this section.

1210 Sec. 38. Section 54-63d of the general statutes is repealed and the
1211 following is substituted in lieu thereof (*Effective October 1, 2012*):

1212 (a) Upon notification by a police officer pursuant to section 54-63c,
1213 as amended by this act, that an arrested person has not posted bail, a
1214 bail commissioner or an intake, assessment and referral specialist
1215 employed by the Judicial Branch shall promptly conduct an interview
1216 and investigation as specified in subdivisions (1) and (2) of subsection
1217 (a) of section 54-63b, as amended by this act, and, based upon the
1218 criteria established pursuant to subsection (b) of section 54-63b, as
1219 amended by this act, and except as provided in subsection (b) of this
1220 section, the bail commissioner or intake, assessment and referral
1221 specialist shall promptly order release of such person on the first of the
1222 following conditions of release found sufficient to provide reasonable
1223 assurance of the person's appearance in court: (1) Upon the execution
1224 of a written promise to appear without special conditions; (2) upon the
1225 execution of a written promise to appear with any of the nonfinancial
1226 conditions as specified in subsection (c) of this section; (3) upon the
1227 execution of a bond without surety in no greater amount than
1228 necessary; or (4) upon the execution of a bond with surety in no greater
1229 amount than necessary. If the person is unable to meet the conditions

1230 of release ordered by the bail commissioner or intake, assessment and
1231 referral specialist, the bail commissioner or intake, assessment and
1232 referral specialist shall so inform the court in a report prepared
1233 pursuant to subdivision (4) of subsection (a) of section 54-63b, as
1234 amended by this act.

1235 (b) No person shall be released upon the execution of a written
1236 promise to appear or the execution of a bond without surety if the
1237 person is charged with the commission of a family violence crime, as
1238 defined in section 46b-38a, and in the commission of such crime the
1239 person used or threatened the use of a firearm.

1240 (c) In addition to or in conjunction with any of the conditions
1241 enumerated in subdivisions (1) to (4), inclusive, of subsection (a) of this
1242 section, the bail commissioner or intake, assessment and referral
1243 specialist may impose nonfinancial conditions of release, which may
1244 require that the arrested person do any of the following: (1) Remain
1245 under the supervision of a designated person or organization; (2)
1246 comply with specified restrictions on the person's travel, association or
1247 place of abode; (3) not engage in specified activities, including the use
1248 or possession of a dangerous weapon, an intoxicant or controlled
1249 substance; (4) avoid all contact with an alleged victim of the crime and
1250 with a potential witness who may testify concerning the offense; or (5)
1251 satisfy any other condition that is reasonably necessary to assure the
1252 appearance of the person in court. Any of the conditions imposed
1253 under subsection (a) of this section and this subsection by the bail
1254 commissioner or intake, assessment and referral specialist shall be
1255 effective until the appearance of such person in court.

1256 (d) The police department shall promptly comply with the order of
1257 release of the bail commissioner or intake, assessment and referral
1258 specialist, except that if the department objects to the order or any of
1259 its conditions, the department shall promptly so advise a state's
1260 attorney or assistant state's attorney, the bail commissioner or intake,
1261 assessment and referral specialist and the arrested person. The state's
1262 attorney or assistant state's attorney may authorize the police

1263 department to delay release, until a hearing can be had before the
1264 court then sitting for the geographical area which includes the
1265 municipality in which the arrested person is being detained or, if the
1266 court is not then sitting, until the next sitting of said court. When cash
1267 bail in excess of ten thousand dollars is received for a detained person
1268 accused of a felony, where the underlying facts and circumstances of
1269 the felony involve the use, attempted use or threatened use of physical
1270 force against another person, the police department shall prepare a
1271 report that contains (1) the name, address and taxpayer identification
1272 number of the accused person, (2) the name, address and taxpayer
1273 identification number of each person offering the cash bail, other than
1274 a person licensed as a professional bondsman under chapter 533 or a
1275 surety bail bond agent under chapter 700f, (3) the amount of cash
1276 received, and (4) the date the cash was received. Not later than fifteen
1277 days after receipt of such cash bail, the police department shall file the
1278 report with the Department of Revenue Services and mail a copy of the
1279 report to the state's attorney for the judicial district in which the
1280 alleged offense was committed and to each person offering the cash
1281 bail.

1282 (e) Except as provided in subsections (f) and (g) of this section, all
1283 information provided to the Court Support Services Division shall be
1284 for the sole purpose of determining and recommending the conditions
1285 of release, and shall otherwise be confidential and retained in the files
1286 of the Court Support Services Division, and not be subject to subpoena
1287 or other court process for use in any other proceeding or for any other
1288 purpose.

1289 (f) The Court Support Services Division shall establish written
1290 procedures for the release of information contained in reports and files
1291 of the Court Support Services Division, such procedures to be
1292 approved by the executive committee of the judges of the Superior
1293 Court. Such procedures shall allow access to (1) nonidentifying
1294 information by qualified persons for purposes of research related to
1295 the administration of criminal justice; (2) all information provided to
1296 the Court Support Services Division by probation officers for the

1297 purposes of compiling presentence reports; and (3) all information
1298 provided to the Court Support Services Division concerning any
1299 person convicted of a crime and held in custody by the Department of
1300 Correction.

1301 (g) Any files and reports held by the Court Support Services
1302 Division may be accessed and disclosed by employees of the division
1303 in accordance with policies and procedures adopted by the Chief
1304 Court Administrator.

1305 Sec. 39. Subsection (c) of section 54-64a of the general statutes is
1306 repealed and the following is substituted in lieu thereof (*Effective*
1307 *October 1, 2012*):

1308 (c) If the court determines that a nonfinancial condition of release
1309 should be imposed pursuant to subparagraph (B) of subdivision (1) of
1310 subsection (a) or (b) of this section, the court shall order the pretrial
1311 release of the person subject to the least restrictive condition or
1312 combination of conditions that the court determines will reasonably
1313 assure the appearance of the arrested person in court and, with respect
1314 to the release of the person pursuant to subsection (b) of this section,
1315 that the safety of any other person will not be endangered, which
1316 conditions may include an order that the arrested person do one or
1317 more of the following: (1) Remain under the supervision of a
1318 designated person or organization; (2) comply with specified
1319 restrictions on such person's travel, association or place of abode; (3)
1320 not engage in specified activities, including the use or possession of a
1321 dangerous weapon, an intoxicant or a controlled substance; (4) provide
1322 sureties of the peace pursuant to section 54-56f under supervision of a
1323 designated bail commissioner or an intake, assessment and referral
1324 specialist; (5) avoid all contact with an alleged victim of the crime and
1325 with a potential witness who may testify concerning the offense; (6)
1326 maintain employment or, if unemployed, actively seek employment;
1327 (7) maintain or commence an educational program; (8) be subject to
1328 electronic monitoring; or (9) satisfy any other condition that is
1329 reasonably necessary to assure the appearance of the person in court

1330 and that the safety of any other person will not be endangered. The
1331 court shall state on the record its reasons for imposing any such
1332 nonfinancial condition.

1333 Sec. 40. Section 54-69 of the general statutes is repealed and the
1334 following is substituted in lieu thereof (*Effective October 1, 2012*):

1335 (a) Whenever in any criminal prosecution the state's attorney for
1336 any judicial district or the assistant state's attorney is of the opinion
1337 that the bond without or with surety given by any accused person is
1338 excessive or insufficient in amount or security, or that the written
1339 promise of such person to appear is inadequate, or whenever any
1340 accused person alleges that the amount or security of the bond given
1341 by such accused person is excessive, such state's attorney or assistant
1342 state's attorney or the accused person may bring an application to the
1343 court in which the prosecution is pending or to any judge thereof,
1344 alleging such excess, insufficiency, or inadequacy, and, after notice as
1345 hereinafter provided and hearing, such judge shall in bailable offenses
1346 continue, modify or set conditions of release upon the first of the
1347 following conditions of release found sufficient to provide reasonable
1348 assurance of the appearance of the accused in court: (1) Upon such
1349 person's execution of a written promise to appear, (2) upon such
1350 person's execution of a bond without surety in no greater amount than
1351 necessary, (3) upon such person's execution of a bond with surety in no
1352 greater amount than necessary.

1353 (b) No hearing upon any such application shall be had until a copy
1354 of such application, together with a notice of the time and place of
1355 hearing thereon, has been served upon the surety or sureties upon
1356 such bond, if any, and upon the appropriate bail commissioner or
1357 intake, assessment and referral specialist and, in the case of an
1358 application by an accused person, upon any such state's attorney, or, in
1359 the case of the application by any such state's attorney, upon the
1360 accused person.

1361 (c) Notwithstanding the provisions of subsection (b) of this section,
1362 a hearing may be had on an application by any such state's attorney

1363 without a copy of such application and notice of the hearing being
1364 served upon the surety or sureties upon such bond, if any, the
1365 appropriate bail commissioner or intake, assessment and referral
1366 specialist and the accused person if the accused person is charged with
1367 the commission of a family violence crime, as defined in section 46b-
1368 38a, or a violation of section 53a-181c, 53a-181d, 53a-181e, 53a-223 or
1369 53a-223b and is being presented at the next sitting of the Superior
1370 Court as required by section 54-1g.

1371 Sec. 41. Section 54-69a of the general statutes is repealed and the
1372 following is substituted in lieu thereof (*Effective October 1, 2012*):

1373 A bail commissioner or an intake, assessment and referral specialist
1374 who has reason to believe that a person released under any of the
1375 provisions of sections 54-63a to 54-63g, inclusive, 54-64a, as amended
1376 by this act, 54-64b and 54-69, as amended by this act, intends not to
1377 appear in court as required by the conditions of release may apply to a
1378 judge of the court before which the person is required to appear, and
1379 verify by oath or otherwise the reason for his or her belief, and request
1380 that the person be brought before the court in order that the conditions
1381 of [his] such person's release be reviewed. Upon finding reasonable
1382 grounds that the released person intends not to appear, the judge shall
1383 forthwith issue a capias directed to a proper officer or indifferent
1384 person, commanding [him] such proper officer or indifferent person
1385 forthwith to arrest and bring the person to the court for a hearing to
1386 review the conditions of release. Such hearing shall be upon due notice
1387 as provided in section 54-69, as amended by this act.

1388 Sec. 42. Section 54-71a of the general statutes is repealed and the
1389 following is substituted in lieu thereof (*Effective October 1, 2012*):

1390 No bail commissioner or intake, assessment and referral specialist,
1391 no employee of any police department, no state's attorney or assistant
1392 state's attorney and no municipality may be held liable in a civil action
1393 for damages on account of the release of any person under any of the
1394 provisions of sections 54-63a to 54-63g, inclusive, 54-64a, as amended
1395 by this act, 54-64b and 54-69, as amended by this act.

1396 Sec. 43. Subsection (c) of section 46b-38c of the 2012 supplement to
1397 the general statutes is repealed and the following is substituted in lieu
1398 thereof (*Effective October 1, 2012*):

1399 (c) Each such local family violence intervention unit shall: (1) Accept
1400 referrals of family violence cases from a judge or prosecutor, (2)
1401 prepare written or oral reports on each case for the court by the next
1402 court date to be presented at any time during the court session on that
1403 date, (3) provide or arrange for services to victims and offenders, (4)
1404 administer contracts to carry out such services, and (5) establish
1405 centralized reporting procedures. All information provided to a family
1406 relations counselor, family relations counselor trainee or family
1407 services supervisor employed by the Judicial Department in a local
1408 family violence intervention unit shall be used solely for the purposes
1409 of preparation of the report and the protective order forms for each
1410 case and recommendation of services and shall otherwise be
1411 confidential and retained in the files of such unit and not be subject to
1412 subpoena or other court process for use in any other proceeding or for
1413 any other purpose, except that a family relations counselor, family
1414 relations counselor trainee or family services supervisor employed by
1415 the Judicial Department:

1416 (A) Shall disclose to the court and the prosecuting authority for
1417 appropriate action information that the victim has indicated that the
1418 defendant holds a permit to carry a pistol or revolver or possesses one
1419 or more firearms;

1420 (B) Shall disclose to an employee of the Department of Children and
1421 Families information that indicates that a defendant poses a danger or
1422 threat to a child or a custodial parent of the child;

1423 (C) May disclose to another family relations counselor, family
1424 relations counselor trainee or family services supervisor information
1425 pursuant to guidelines adopted by the Chief Court Administrator;

1426 (D) May disclose to a bail commissioner or an intake, assessment
1427 and referral specialist employed by the Judicial Department

1428 information regarding a defendant who is on or is being considered for
1429 pretrial release;

1430 (E) May disclose to a law enforcement agency information that
1431 indicates that a defendant poses a danger or threat to another person;

1432 (F) May disclose, after disposition of a family violence case, to a
1433 probation officer or a juvenile probation officer, for purposes of
1434 determining service needs and supervision levels, information
1435 regarding a defendant who has been convicted and sentenced to a
1436 period of probation in the family violence case;

1437 (G) May disclose, after a conviction in a family violence case, to a
1438 probation officer for the purpose of preparing a presentence
1439 investigation report, any information regarding the defendant that has
1440 been provided to the family relations counselor, family relations
1441 counselor trainee or family services supervisor in the case or in any
1442 other case that resulted in the conviction of the defendant;

1443 (H) May disclose to any organization under contract with the
1444 Judicial Department to provide family violence programs and services,
1445 for the purpose of determining program and service needs,
1446 information regarding any defendant who is a client of such
1447 organization, provided no information that personally identifies the
1448 victim may be disclosed to such organization; and

1449 (I) Shall disclose such information as may be necessary to fulfill
1450 such counselor's, trainee's or supervisor's duty as a mandated reporter
1451 under section 17a-101a to report suspected child abuse or neglect.

1452 Sec. 44. Section 1-24 of the 2012 supplement to the general statutes is
1453 repealed and the following is substituted in lieu thereof (*Effective*
1454 *October 1, 2012*):

1455 The following officers may administer oaths: (1) The clerks of the
1456 Senate, the clerks of the House of Representatives and the chairpersons
1457 of committees of the General Assembly or of either branch thereof,
1458 during its session; (2) state officers, as defined in subsection (t) of

1459 section 9-1, judges and clerks of any court, family support magistrates,
1460 judge trial referees, justices of the peace, commissioners of the Superior
1461 Court, notaries public, town clerks and assistant town clerks, in all
1462 cases where an oath may be administered, except in a case where the
1463 law otherwise requires; (3) commissioners on insolvent estates,
1464 auditors, arbitrators and committees, to parties and witnesses, in all
1465 cases tried before them; (4) assessors and boards of assessment
1466 appeals, in cases coming before them; (5) commissioners appointed by
1467 governors of other states to take the acknowledgment of deeds, in the
1468 discharge of their official duty; (6) the moderator of a school district
1469 meeting, in such meeting, to the clerk of such district, as required by
1470 law; (7) the first selectman, in any matter before the board of
1471 selectmen; (8) the Chief Medical Examiner, Deputy Medical Examiner
1472 and assistant medical examiners of the Office of the Medical Examiner,
1473 in any matter before them; (9) registrars of vital statistics, in any matter
1474 before them; (10) any chief inspector or inspector appointed pursuant
1475 to section 51-286; (11) registrars of voters, deputy registrars, assistant
1476 registrars, and moderators, in any matter before them; (12) special
1477 assistant registrars, in matters provided for in subsections (b) and (c) of
1478 section 9-19b and section 9-19c; (13) the Commissioner of Emergency
1479 Services and Public Protection and any sworn member of any local
1480 police department or the Division of State Police within the
1481 Department of Emergency Services and Public Protection, in all
1482 affidavits, statements, depositions, complaints or reports made to or by
1483 any member of any local police department or said Division of State
1484 Police or any constable who is under the supervision of said
1485 commissioner or any of such officers of said Division of State Police
1486 and who is certified under the provisions of sections 7-294a to 7-294e,
1487 inclusive, and performs criminal law enforcement duties; (14) judge
1488 advocates of the United States Army, Navy, Air Force and Marine
1489 Corps, law specialists of the United States Coast Guard, adjutants,
1490 assistant adjutants, acting adjutants and personnel adjutants,
1491 commanding officers, executive officers and officers whose rank is
1492 lieutenant commander or major, or above, of the armed forces, as
1493 defined in section 27-103, to persons serving with or in the armed

1494 forces, as defined in said section, or their spouses; (15) investigators,
 1495 deputy investigators, investigative aides, secretaries, clerical assistants,
 1496 social workers, social worker trainees, paralegals and certified legal
 1497 interns employed by or assigned to the Public Defender Services
 1498 Commission in the performance of their assigned duties; (16) bail
 1499 commissioners and intake, assessment and referral specialists
 1500 employed by the Judicial Department in the performance of their
 1501 assigned duties; (17) juvenile matter investigators employed by the
 1502 Division of Criminal Justice in the performance of their assigned
 1503 duties; (18) the chairperson of the Connecticut Siting Council or the
 1504 chairperson's designee; (19) the presiding officer at an agency hearing
 1505 under section 4-177b; (20) family relations counselors employed by the
 1506 Judicial Department and support enforcement officers and
 1507 investigators employed by the Department of Social Services Bureau of
 1508 Child Support Enforcement and the Judicial Department, in the
 1509 performance of their assigned duties; (21) the chairperson, vice-
 1510 chairperson, members and employees of the Board of Pardons and
 1511 Paroles, in the performance of their assigned duties; (22) the
 1512 Commissioner of Correction or the commissioner's designee; and (23)
 1513 sworn law enforcement officers, appointed under section 26-5, within
 1514 the Department of Energy and Environmental Protection, in all
 1515 affidavits, statements, depositions, complaints or reports made to or by
 1516 any such sworn law enforcement officer.

1517 Sec. 45. Sections 51-75 and 52-92 of the general statutes are repealed.
 1518 (*Effective October 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	2-40a
Sec. 2	<i>October 1, 2012</i>	6-32d(c)
Sec. 3	<i>January 1, 2013</i>	14-140
Sec. 4	<i>October 1, 2012</i>	14-296aa(j)
Sec. 5	<i>October 1, 2012</i>	47a-23a(a)
Sec. 6	<i>October 1, 2012</i>	47a-26h(c)
Sec. 7	<i>October 1, 2012</i>	51-53

Sec. 8	<i>October 1, 2012</i>	51-94a
Sec. 9	<i>October 1, 2012</i>	51-164n
Sec. 10	<i>October 1, 2012</i>	51-181c(a)
Sec. 11	<i>October 1, 2012</i>	4b-55(j)
Sec. 12	<i>July 1, 2012</i>	51-197f
Sec. 13	<i>July 1, 2012</i>	51-198
Sec. 14	<i>July 1, 2012</i>	51-201
Sec. 15	<i>July 1, 2012</i>	51-207
Sec. 16	<i>October 1, 2012</i>	51-222a(a)
Sec. 17	<i>October 1, 2012</i>	51-243(d) and (e)
Sec. 18	<i>October 1, 2012</i>	52-72
Sec. 19	<i>October 1, 2012</i>	53a-29
Sec. 20	<i>October 1, 2012</i>	53a-217(a)
Sec. 21	<i>October 1, 2012</i>	54-102g
Sec. 22	<i>October 1, 2012</i>	New section
Sec. 23	<i>October 1, 2012</i>	54-66a
Sec. 24	<i>October 1, 2012</i>	54-142a(c)
Sec. 25	<i>October 1, 2012</i>	54-143b
Sec. 26	<i>October 1, 2012</i>	54-203
Sec. 27	<i>October 1, 2012</i>	54-209
Sec. 28	<i>October 1, 2012</i>	54-210(a)
Sec. 29	<i>October 1, 2012</i>	54-211(d) and (e)
Sec. 30	<i>October 1, 2012</i>	54-212(b)
Sec. 31	<i>October 1, 2012</i>	19a-112f(b)
Sec. 32	<i>July 1, 2012</i>	New section
Sec. 33	<i>July 1, 2012</i>	46b-1
Sec. 34	<i>October 1, 2012</i>	54-108e
Sec. 35	<i>October 1, 2012</i>	46b-124(d)
Sec. 36	<i>October 1, 2012</i>	54-63b(a)
Sec. 37	<i>October 1, 2012</i>	54-63c
Sec. 38	<i>October 1, 2012</i>	54-63d
Sec. 39	<i>October 1, 2012</i>	54-64a(c)
Sec. 40	<i>October 1, 2012</i>	54-69
Sec. 41	<i>October 1, 2012</i>	54-69a
Sec. 42	<i>October 1, 2012</i>	54-71a
Sec. 43	<i>October 1, 2012</i>	46b-38c(c)
Sec. 44	<i>October 1, 2012</i>	1-24
Sec. 45	<i>October 1, 2012</i>	Repealer section

Statement of Legislative Commissioners:

In section 15(c), "[including senior judges of the Supreme Court and] judges and senior judges of the Appellate Court" was changed to "[including senior judges of the Supreme Court] and one or more judges and senior judges of the Appellate Court" for consistency and accuracy.

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	GF - Savings	120,000	120,000
Judicial Dept.	CICF - Cost	72,500	72,500
Judicial Dept.	CICF - Savings	30,000	30,000

Note: GF=General Fund; CICF=Criminal Injuries Compensation Fund

Municipal Impact: None

Explanation

The bill makes various revisions to statutes concerning the Judicial Department court operations and the Office of Victim Services, with fiscal impacts as follows:

Section 7 provides for the electronic delivery of court notices, orders, decisions, executions or other documents by court clerks and will result in a savings to the Judicial Department of \$120,000.¹

Section 27 authorizes the Office of Victim Services (OVS) within the Judicial Department to compensate individuals who are victims of sexual assault or child abuse and have disclosed the information to certain individuals. To the extent that victims take advantage of this change, an estimated increased cost of \$50,000 to the Criminal Injuries Compensation Fund (CICF) will result in order to provide compensation to qualifying victims.² This estimate assumes about 30 victims will receive compensation as a result of this change.

Sections 28 and 29 remove the \$100 deductible that is required

¹ In 2011, the Judicial Department spent approximately \$650,000 in regular postage related to court operations and support enforcement.

² In 2011, the OVS provided approximately \$1.2 million worth of criminal injury awards from the Criminal Injuries Compensation Fund.

before a crime victim can receive compensation. To the extent that this increases the number of people who are eligible for victim compensation, an estimated increased cost of \$22,500 to the CICF will result in order to provide compensation to victims who have total losses of less than \$100. This estimate assumes 300 additional victims will receive compensation of \$100 or less.

Section 30 clarifies that the OVS is entitled to be reimbursed for compensation it has paid to victims who have received compensation for the same item from another source, regardless of the source. As this currently does not occur in many instances, the amount estimated to be recovered is less than \$30,000 as a result of this change.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of victims seeking compensation.

Sources: Core-CT Financial Accounting System

OLR Bill Analysis**sHB 5365*****AN ACT CONCERNING COURT OPERATIONS AND VICTIM SERVICES.*****SUMMARY:**

This bill makes numerous changes to court operations and victim services. It:

1. makes judge trial referee evaluations available to Judiciary Committee members before a hearing on a referee's nomination;
2. allows the Judicial Branch to enter into agreements with other agencies on a broader range of security matters;
3. requires the Department of Motor Vehicles (DMV) to suspend the license and registration of someone who does not pay certain fees;
4. makes changes regarding summary process and occupants of nonresidential property;
5. expands the courts' use of electronic documents and communications;
6. indemnifies attorneys appointed by the court to inventory the files of inactive, suspended, disbarred, or resigned attorneys in the same way as state employees;
7. specifies that someone who pleads not guilty to an infraction or certain violations can, at a court proceeding, agree with the prosecutor on the amount of the fine and pay it without appearing before a judicial authority;
8. alters the rules for constituting a Supreme Court panel and

- agreeing to hear an appeal from an Appellate Court decision;
9. requires DMV to give the jury administrator the latest updated file of people holding identity cards to use when compiling the master list for summoning jurors;
 10. allows alternate jurors in civil trials to remain in service after deliberations begin;
 11. specifies that motor vehicle violations punishable by a sentence of more than one year are considered unclassified felonies for certain purposes;
 12. automatically terminates a defendant's bail bond when he or she is admitted to the supervised diversionary program for people with psychiatric disabilities, as for other diversionary programs;
 13. requires a defendant to make a motion for a nolle 13 months after a prosecutor continues a case and there is no prosecution or disposition in order to have the records erased, instead of having the records automatically qualify for erasure;
 14. authorizes victim compensation when the Judicial Branch's Office of Victim Services (OVS) or a victim compensation commissioner reasonably concludes that (a) an alleged sexual assault crime or risk of injury to a minor occurred and (b) the personal injury was disclosed to certain individuals;
 15. eliminates the \$100 deductible on the total amount of victim compensation determined for an injury (§§ 28-29);
 16. expands OVS's lien for reimbursement of compensation paid to someone;
 17. specifies that Connecticut courts can issue orders regarding civil unions performed in other jurisdictions;
 18. limits access to information on certain plans developed by probation officers and expands access to juvenile delinquency

records;

19. allows Court Support Services Division (CSSD) personnel to use videoconferencing to interview defendants at police stations, when determining appropriate bail and conditions of release (§ 36);
20. extends to intake, assessment, and referral (IAR) specialists many of the duties, responsibilities, and protections given to bail commissioners;
21. repeals authority for judges to appoint messengers and assistant messengers and set their compensation and assignments (§ 45); and
22. repeals obsolete provisions and makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2012; except for the provisions on (1) judge trial referee evaluations, Supreme Court certification and panels, and civil unions from other jurisdictions, which are effective July 1, 2012 and (2) suspending a license and registration for failing to pay certain fees, which is effective January 1, 2013.

§ 1 — JUDGE TRIAL REFEREE EVALUATIONS

The bill requires the Judicial Branch to make performance evaluations of judge trial referees available to the Judiciary Committee's members before a public hearing on the referee's nomination. Committee members must use the information only for the purposes for which it was given and they cannot further disclose it. Existing law requires the branch to make judges' evaluations available under the same circumstance and conditions.

§ 2 — AGREEMENTS WITH AGENCIES RELATED TO SECURITY

The law allows the Judicial Branch to enter agreements with other state agencies for management, training, or coordination related to courthouse security. The bill also allows the branch to enter these

agreements for other security matters.

§ 3 — SUSPENDING LICENSE AND REGISTRATION FOR FAILURE TO PAY CERTAIN FEES

The bill requires the court to report to DMV anyone who fails to pay a fee for (1) probation; (2) analysis of a controlled substance in relation to a conviction; or (3) participation in the pre-trial program for treatment of alcohol or drug dependency, pretrial family violence education program, community service labor program, accelerated rehabilitation program, pretrial alcohol education program, or pretrial drug education program. The DMV commissioner then suspends the person's motor vehicle registration and operator's license.

By law, these same provisions apply to a person released on his or her own recognizance for a motor vehicle violation who willfully fails to appear for a court appearance; fails to pay, plead, or appear for an infraction; or fails to pay certain surcharges, fees, or costs. They also apply to certain violations related to transporting hazardous liquids or explosives.

§ 5 — SUMMARY PROCESS-NONRESIDENTIAL TENANT'S POSSESSIONS

When a lessee or occupant fails to leave after receiving the required summary process notice, an attorney must produce documents justifying the claim for immediate possession of the premises. If the claim involves nonresidential property, the bill requires, instead of allows, the documents to include a claim for the defendant's possessions and personal effects. The landlord must still follow existing law on disposing of a tenant's property.

§ 6 — SUMMARY PROCESS AGAINST A SINGLE NONRESIDENTIAL OCCUPANT DUE TO DRUG ACTIVITIES

The law allows a landlord to get a summary process judgment and enforce it against a single occupant, living with several others, who sells drugs (1) on the leased premises or (2) within 1,500 feet of the housing authority property within which he or she lives. The bill applies this to tenants of nonresidential property.

§ 7 — COMMUNICATIONS FROM COURTS

Under current law, a court clerk, including a probate court clerk, must notify counsel in writing of a court decision, order, decree, denial, or ruling unless the court made its ruling in the counsel's presence. The bill allows the written notice to be sent by mail or electronic means and requires notice to any appearing party as well.

The bill allows electronic communication by computer, fax, or other technology according to procedures and technical standards set by either the chief court administrator or probate court administrator. It gives notice delivered electronically the same validity and status as if sent by mail.

§ 8 — INDEMNIFICATION OF CERTAIN ATTORNEYS

The law immunizes from damages in civil suits attorneys who are appointed by the court pursuant to court rules to (1) inventory the files of an inactive, suspended, disbarred, or resigned attorney and (2) take necessary action to protect the clients' interests. They are immune for damages or injuries caused in the discharge of their duties unless they acted wantonly, recklessly, or maliciously.

The bill gives these attorneys the same indemnification as state officers and employees. This requires the state to hold the attorneys harmless and indemnify them for financial loss and expense from claims due to their alleged negligence, deprivation of civil rights, or other acts or omissions causing damage or injury. This applies when the attorneys are discharging their duties but does not cover wanton, reckless, or malicious conduct. The attorney general must provide their defense; but if he determines it is inappropriate to do so, the state must pay for counsel if the attorney is otherwise entitled to representation by the state.

§ 9 — AGREED FINES FOR INFRACTIONS AND VIOLATIONS

By law, people alleged to have committed infractions and certain violations can pay a fine by mail or choose to plead not guilty. The bill specifies that someone who pleads not guilty can, at a later Superior

Court proceeding, (1) agree with the prosecutor on the amount of the fine to pay and (2) pay it without appearing before a judicial authority. Under the bill, the amount of the fine cannot be more than the fine established for the infraction or violation, and the person must pay any additional fees and costs set for the infraction or violation. The person must pay the Superior Court clerk.

As for payments by mail under current law, payment under the bill is considered a plea of nolo contendere (no contest) and is inadmissible in any civil or criminal proceeding to establish the person's conduct, but it does not affect the Department of Energy and Environmental Protection's or DMV's administrative sanctions authority.

Under the bill, the person does not need to submit a plea of nolo contendere in writing. The bill does not affect a person's right to request a trial.

§ 12 — SUPREME COURT CERTIFICATION FOR REVIEW

By law, an Appellate Court panel or aggrieved party can petition the Supreme Court to review an Appellate Court decision. Current law requires a vote of three Supreme Court justices to agree to review the decision. The bill also allows the court to review a decision on the vote of two judges if fewer than six are available to consider a petition.

§§ 13-15 — SUPREME COURT PANELS

Under current law, a party has a right to be heard by a panel of five Supreme Court members. The bill instead gives a party a right to a panel of at least five and requires the court to sit in panels of five, six, or seven judges under rules the court adopts.

The bill expands the use of senior judges on Supreme Court panels by allowing them to be part of a panel when at least one justice is disabled or disqualified or the business of the court requires it. Currently, they can only sit on a panel if the court's members cannot constitute a panel.

The bill also expands the circumstances when Superior Court judges

and Appellate Court judges and senior judges can be summoned to sit on a panel to include anytime it is necessary for the court's business and Supreme Court senior judges are unavailable. Currently, they can be summoned if a panel cannot be constituted of Supreme Court justices due to disability or disqualification.

§ 16 — LIST OF PEOPLE HOLDING IDENTITY CARDS USED FOR JUROR LISTS

The bill requires DMV to give the jury administrator the latest updated file of people holding identity cards to use when compiling the master list for summoning jurors. The bill adds this to the lists of licensed drivers, residents with permanent place of abode in Connecticut who filed a personal income tax return in the last tax year, unemployment compensation recipients, and electors that the administrator uses to compile the master list. By law, the administrator must attempt to delete duplicate names, names of those excluded from jury service, and names of deceased people before randomly summoning jurors.

§ 17 — ALTERNATE JURORS IN CIVIL TRIALS

By law, an alternate juror becomes part of the jury panel in a civil case if a juror dies or the judge excuses a juror who is unable to perform his or her duty. Under current law, alternates are excused when the jury begins deliberations. Under the bill, the court (1) can keep alternates in service after deliberations begin and (2) if an alternate joins the regular panel after deliberations began, must instruct the jury to start deliberations anew.

§§ 19-22 — MOTOR VEHICLE VIOLATIONS AS FELONIES

Under case law, a second conviction of driving under the influence (CGS § 14-227a), which carries a possible prison term of over one year, is a criminal offense and not a motor vehicle violation (*McCoy v. Commissioner of Public Safety*, 300 Conn. 144 (2011)).

The bill specifies that any motor vehicle violation for which a sentence of more than one year may be imposed (see BACKGROUND)

is considered an unclassified felony for purposes of:

1. sentencing to probation, and thus a person convicted of one of these motor vehicle violations can be sentenced to up to three years probation, but up to five years on a case-by-case basis, and can be considered for early termination of his or her probation terms;
2. the crime of criminal possession of a firearm or electronic defense weapon, which can be committed by possessing one of those items while having a prior felony conviction, thus qualifying one of these motor vehicle violations as a prior felony conviction;
3. taking a sample for DNA testing based on a felony conviction; and
4. the interstate compact for adult offender jurisdiction, which governs supervision of adult offenders in the community who are authorized under the compact to travel across state lines.

§ 23 — TERMINATION OF BAIL BONDS

The bill automatically terminates a defendant's bail bond when he or she is admitted to the supervised diversionary program for people with psychiatric disabilities. The law already terminates bonds on admission to other programs such as accelerated rehabilitation, the pretrial alcohol education program, the community service labor program, and the pretrial drug education program.

§ 24 — ERASURE OF CERTAIN RECORDS

By law, all police, court, and prosecutorial records of a criminal charge that is nolle (the state declines to prosecute) are erased if at least 13 months have passed since the nolle. Current law also considers a case nolle and allows records to be erased if the prosecutor continues the case and there is no prosecution or disposition for 13 months. The bill requires the arrested person to make a motion for a nolle after 13 months in order to have the records erased.

§ 25 — BAIL BONDS

By law, the total amount of a forfeited bond for a motor vehicle violation that is composed in part of certain additional fees and costs imposed on these violations must be deposited in the General Fund or Special Transportation Fund. The bill adds to the list of fees and costs the \$10 surcharge on certain motor vehicle violations that the state must remit to the municipalities where the violations occurred. The surcharge applies to anyone who pays a fine or forfeiture for any of 35 motor vehicle violations, including: (1) speeding, (2) reckless driving, (3) driving under the influence, (4) making an illegal turn, (5) failing to yield right of way, (6) failing to stop for a school bus (for a first offense), and (7) failing to stop at a stop sign. The surcharge also applies to anyone who pays a fine or forfeiture under any ordinance enacted in accordance with these laws. The Superior Court clerk or the chief court administrator (or her designee) must certify to the comptroller the amount due for the previous quarter to each municipality.

§§ 26-31 — VICTIMS***Administering Compensation and Services (§ 26)***

By law, OVS can apply for and use grants to implement victim services and award grants or purchase services. The bill deletes a provision requiring it to do so according to a plan developed by January 1, 1994, in coordination with various agencies, to effectively administer victim compensation and coordinate delivery of services.

Victim Compensation for Alleged Sexual Assault or Risk of Injury Crimes (§ 27)

The bill authorizes victim compensation when OVS or a victim compensation commissioner reasonably concludes that (1) an alleged sexual assault crime or risk of injury to a minor occurred and (2) the personal injury was disclosed to certain individuals. The bill applies to the crimes of sexual assault in the 1st, 2nd, 3rd, or 4th degree or 3rd degree with a firearm; 1st degree aggravated sexual assault; aggravated sexual assault of a minor; sexual assault in a spousal or cohabiting relationship; and risk of injury to a minor. Compensation can be paid if

the personal injury is reported to a:

1. licensed physician, physician assistant, advanced practice registered nurse, registered nurse, practical nurse, psychologist, marital and family therapist, professional counselor, or clinical social worker;
2. resident physician or intern at a hospital, whether or not licensed;
3. police officer;
4. mental health professional;
5. licensed or certified emergency medical services provider or alcohol and drug counselor;
6. sexual assault or battered women's counselor; or
7. Department of Children and Families employee.

By law, OVS may compensate victims injured or killed as a result of (1) attempts to prevent crime, aid police, or apprehend criminal suspects; (2) attempts or actual commissions of any crime by another; (3) operation of a motor vehicle by someone else who is convicted of driving under the influence of drugs or alcohol, second-degree assault with a motor vehicle while intoxicated, or second-degree manslaughter with a motor vehicle while intoxicated; or (4) terrorist crimes.

OVS Liens (§ 30)

By law, OVS has a lien against any amount an applicant for victim compensation wins in a suit against those responsible for the injury or death for which compensation was granted. This lien is for 2/3 of the amount paid for victim compensation or restitution services.

The bill also gives OVS a lien for the same amount of reimbursement on money an applicant recovers from other sources including payments from state or municipal agencies, insurance

benefits, or workers' compensation awards as a result of the incident or offense that gave rise to the application.

§§ 32-33 — CIVIL UNIONS FROM FOREIGN JURISDICTIONS

The bill specifies that Connecticut courts can enter orders of dissolution, annulment, or legal separation regarding valid civil unions performed in foreign jurisdictions. It deems these actions family relations matters. It is unclear whether the courts' authority over family matters currently extends to foreign civil unions.

§ 34 — ACCESS TO PROBATION OFFICER PLANS

Under the bill, information in alternative sentencing and community release plans prepared by probation officers is only available to:

1. Judicial Branch employees who require access to the information in performing their duties;
2. state and federal employees and authorized agents involved in the design and delivery of treatment services to the person who is the subject of the plan;
3. state or community-based agency employees providing services directly to the person; and
4. an attorney representing the person in any proceeding where the plan is relevant.

By law, probation officers:

1. must complete alternative sentencing plans for people who enter a stated plea agreement with a prison term of up to two years when the court orders them to and
2. may develop a community release plan for people sentenced to a prison term of up to two years who have (a) served at least 90 days in prison and (b) complied with Department of Correction prison rules and necessary treatment programs, and must apply

for a sentence modification hearing if they develop such a plan.

§ 35 — ACCESS TO JUVENILE RECORDS

Current law allows state and federal employees and authorized agents to access records of delinquency proceedings if they are involved in delinquency proceedings, providing services directly to the child, or designing or providing treatment programs for juvenile offenders. The bill also allows them access if they are involved in delivering court diversionary programs.

The bill also gives community-based youth service bureau officials access to these records if they are performing any of the functions listed above.

§§ 36-44 — INTAKE, ASSESSMENT, AND REFERRAL SPECIALISTS

The bill extends many of the duties, responsibilities, and protections given to bail commissioners to intake, assessment, and referral (IAR) specialists. These provisions, among other things, govern:

1. notice from police when a defendant is not released on bail,
2. interviewing and investigating the defendant to set conditions of release,
3. informing the court of a defendant who cannot meet the conditions of release,
4. appearing in court if a defendant does not intend to appear,
5. protection from civil liability for damages on account of releasing a person on bail,
6. receiving information about a defendant who is on or being considered for pretrial release from certain Judicial Branch employees in a local family violence intervention unit, and
7. administering oaths.

The Judicial Branch created the position of IAR specialist and these employees currently perform many of the same functions as bail commissioners.

BACKGROUND

Motor Vehicle Violations

The following list provides examples of motor vehicle violations that carry a prison term of more than one year:

1. possessing a motor vehicle with a changed identification number (CGS § 14-149(a));
2. altering a motor vehicle identification number (CGS § 14-149(e));
3. operating a chop shop (CGS § 14-149a);
4. motor vehicle title certificate fraud (CGS § 14-196(a));
5. willful misuse of motor vehicle title certificate (CGS § 14-196(b));
6. evading responsibility, when causing serious injury or death (CGS § 14-224(a));
7. driving under the influence, second and subsequent offenses (CGS § 14-227a);
8. driving under the influence when under age 21, second and subsequent offenses (CGS § 14-227g); and
9. using a traffic signal preemption device, when it results in an accident (CGS § 14-299a(f)).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/26/2012)